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## GOEWERMENSKENNISGEWING.

DEPARTEMENT VAN VOLKSWELSYN  
EN PENSIOENE.

No. 1131.]

[26 Julie 1963.]

PENSIOENFONDS VIR GEASSOSIEERDE  
INRIGTINGS.

Die Minister van Volkswelsyn en Pensioene het, kragtens die bevoegdheid aan hom verleen by artikel twee van die Wet op die Pensioenfondse vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), die volgende regulasies uitgevaardig vir die instelling en administrasie van die Pensioenfondse vir Geassosieerde Inrigtings.

## WOORDOMSKRYWING.

1. In hierdie regulasies het alle uitdrukkings waaraan daar in die Wet 'n betekenis geheg is, dieselfde betekenis wanneer dit in hierdie regulasies gebesig word, tensy dit uit die samehang anders blyk, en beteken—

„addisionele meerdere bydraes” met betrekking tot 'n lid wat 'n keuse kragtens paragraaf (2) van regulasie 13 of subparagraaf (b) van paragraaf (6) van regulasie 24 uitgeoefen het—

(a) indien daar nie ingevolge die voorbehoudsbepaling van paragraaf (2) van regulasie 13 'n bedrag ten opsigte van so 'n lid na die fonds oorgedra is nie, die bedrag wat ooreenkomstig die formule bedoel in paragraaf (5) van daardie regulasie, in waarde ooreenstem met die bydraes wat ten opsigte van daardie lid aan die fonds betaal sou gewees het indien hy gedurende die tydperk van sy vorige pensioengewende diens lid was;

(b) indien daar ingevolge die voorbehoudsbepaling van paragraaf (2) van regulasie 13 'n bedrag ten opsigte van so 'n lid na die fonds oorgedra is, die bedrag wat bestaan uit die verskil tussen—

(i) die bedrag wat ooreenkomstig genoemde formule in waarde ooreenstem met sodanige bydraes; en

(ii) die bedrag van die bydraes wat ten opsigte van so 'n lid aan die ander pensioen- of voorsorgfondse of -skema betaal is en wat deel uitgemaak het van die bedrag wat aldus na die fonds oorgedra is, indien die bedrag van sodanige bydraes minder is as die bedrag bedoel in item (i);

## GOVERNMENT NOTICE.

DEPARTMENT OF SOCIAL WELFARE  
AND PENSIONS.

No. 1131.]

[26 July 1963.]

## ASSOCIATED INSTITUTIONS PENSION FUND.

The Minister of Social Welfare and Pensions has, by virtue of the powers vested in him by section two of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), made the following regulations for the establishment and administration of the Associated Institutions Pension Fund:—

## INTERPRETATION OF TERMS.

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Act, bears, when used in these regulations, the same meaning, and

“actuary” means a Fellow of the Institute of Actuaries of England or the Faculty of Actuaries in Scotland or of the Society of Actuaries of America;

“additional excess contributions”, in relation to a member who has made an election in terms of paragraph (2) of regulation 13 or sub-paragraph (b) of paragraph (6) of regulation 24, means—

(a) if an amount has not been transferred to the fund in terms of the proviso to paragraph (2) of regulation 13 in respect of such member, the amount which in terms of the formula referred to in paragraph (5) of that regulation, corresponds in value to the contributions which would have been paid to the fund in respect of that member had he been a member during the period of his past pensionable service;

(b) if an amount has been transferred to the fund in terms of the proviso to paragraph (2) of regulation 13 in respect of such member, the amount which is the difference between—

(i) the amount which in terms of the said formula corresponds in value to such contributions; and

(ii) the amount of the contributions which were paid to the other pension or provident fund or scheme in respect of such member and which formed part of the amount so transferred to the fund if the amount of such contributions is less than the amount referred to in item (i);

- (c) indien daar nie ingevolge die voorbehoudsbepaling van subparagraaf (b) van paragraaf (6) van regulasie 24 'n bedrag ten opsigte van so 'n lid na die fonds oorgedra is nie, die helfte van die bedrag wat ingevolge item (i) van genoemde subparagraaf (b) deur daardie lid betaalbaar is;
- (d) indien daar ingevolge die voorbehoudsbepaling van subparagraaf (b) van paragraaf (6) van regulasie 24 'n bedrag ten opsigte van so 'n lid oorgedra is, die bedrag wat bestaan uit die verskil tussen—
- (i) die helfte van die bedrag deur daardie lid betaalbaar ingevolge item (i) van genoemde subparagraaf (b); en
- (ii) die bedrag van die bydraes wat ten opsigte van sodanige lid aan die ander pensioen- of voorsorgsfonds of -skema betaal is en wat deel uitmaak van die bedrag wat aldus na die fonds oorgedra is, indien die bedrag van sodanige bydraes minder is as die helfte van die bedrag wat in item (i) bedoel word;
- „afhanklike” met betrekking tot 'n lid, 'n persoon (uitgesonderd 'n weduwee of voordeelgeregtigde kind) wat ten tyde van die lid se dood geheel en al of gedeeltelik van so 'n lid vir onderhoud afhanklik was;
- „agterstallige bydraes” bydraes wat deur 'n lid betaalbaar is ten opsigte van 'n tydperk van aaneenlopende diens soos bedoel in paragraaf (1) van regulasie 12, maar dit omvat nie ook rente nie;
- „aktuaris” 'n „Fellow” van die „Institute of Actuaries of England” of van die „Faculty of Actuaries in Scotland” of van die „Society of Actuaries of America”;
- „die fonds” die Pensioenfonds vir Geassosieerde Inrigtings gestig by regulasie 2;
- „die Wet” die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963).
- „die bydraes” die bydraes wat 'n lid ooreenkomstig die bydraekoers soos voorgeskryf in regulasie 8, betaal het of verskuldig is ten opsigte van die tydperk van sy pensioengewende diens vanaf die bepaalde datum of vanaf die datum waarop hy aanvanklik verplig geword het om tot die fonds by te dra, naamlik die jongste datum, tot by sy uitdienstreding of ontslag, en dit omvat ook—
- (a) alle agterstallige, meerdere of oorgedraagde bydraes;
- (b) alle bedrae wat die lid ingevolge item (i) van subparagraaf (a) van paragraaf (2) van regulasie 24 betaal het of verskuldig is;
- (c) in die geval van 'n lid wat ooreenkomstig paragraaf (5) van regulasie 12 toegelaat is om enige tydperk bedoel in daardie paragraaf, by sy pensioengewende diens in te sluit, naamlik—
- (i) die bydraes wat genoemde lid aan die fonds betaal het ten opsigte van 'n vorige tydperk van pensioengewende diens en wat die hele bedrag of 'n gedeelte van die bedrag uitmaak wat ingevolge die bepalings van subparagraaf (a) van paragraaf (7) van regulasie 12 deur so 'n lid betaalbaar is;
- (ii) dié gedeelte van die bedrag wat ooreenkomstig die bepalings van subparagraaf (b) van paragraaf (7) van daardie regulasie deur genoemde lid betaalbaar is, wat die Sekretaris, na oorleg met 'n aktuaris, bepaal as die ooreenstemmende waarde van die bydraes wat so 'n lid aan die fonds sou betaal het indien hy gedurende enige tydperk wat ingevolge item (ii) van subparagraaf (a) of subparagraaf (b) van paragraaf (5) of paragraaf (6) van

- (c) if an amount has not been transferred to the fund in terms of the proviso to sub-paragraph (b) of paragraph (6) of regulation 24 in respect of such member, one-half of the amount payable by that member in terms of item (i) of the said sub-paragraph (b);
- (d) if an amount has been transferred to the fund in terms of the proviso to sub-paragraph (b) of paragraph (6) of regulation 24 in respect of such member, the amount which is the difference between—
- (i) one-half of the amount payable by that member in terms of item (i) of the said sub-paragraph (b); and
- (ii) the amount of the contributions which were paid to the other pension or provident fund or scheme in respect of such member and which formed part of the amount so transferred to the fund, if the amount of such contributions is less than one-half of the amount referred to in item (i);
- “annual benefit” means an amount payable each year in respect of an eligible child;
- “annuity” means an amount which is payable each year, but does not include an annual benefit;
- “arrear contributions” means any contributions payable by a member in respect of a period of continuous employment referred to in paragraph (1) of regulation 12 but does not include any interest;
- “child” means a son or daughter of a member and includes—
- (a) a posthumous child;
- (b) a step-child; and
- (c) a child lawfully adopted, or adopted outside the Republic if the Secretary is satisfied that the child was in fact adopted;
- “dependant”, in relation to a member, means any person (other than a widow or an eligible child) who at the date of the death of the member was wholly or partly dependent upon such member for maintenance;
- “eligible child” means a child who—
- (a) has not attained the age of eighteen years; and
- (b) is not or has not been married; but does not include—
- (i) the child of a marriage contracted or any union entered into after the member's retirement or discharge on pension;
- (ii) a child who became the member's step-child by reason of such a marriage;
- (iii) a child adopted after the member's retirement or discharge on pension;
- “excess contributions”, in relation to a member who has made an election in terms of paragraph (2) of regulation 13 or sub-paragraph (b) of paragraph (6) of regulation 24, means—
- (a) if an amount has not been transferred to the fund in terms of the proviso to paragraph (2) of regulation 13 in respect of such member, the amount which in terms of the formula referred to in paragraph (5) of that regulation, corresponds in value to the contributions which would have been paid to the fund by that member had he been a member during the period of his past pensionable service;
- (b) if an amount has been transferred to the fund in terms of the proviso to paragraph (2) of regulation 13 in respect of such member, the amount which is the difference between—
- (i) the amount which in terms of the said formula corresponds in value to such contributions; and

genoemde regulasie 12 by sy pensioengewende diens ingesluit is, in die diens van 'n raad was en indien hy gedurende daardie tydperk tot die fonds bygedra het; maar dit omvat nie ook rente of diwidende nie;

„inkomste” gelde wat vir die toepassing van hierdie regulasies deur die Parlement bewillig is;

„jaargeld” 'n bedrag wat elke jaar betaalbaar is, maar dit omvat nie ook 'n jaarlikse voordeel nie;

„jaarlikse voordeel” die bedrag wat elke jaar ten opsigte van 'n voordeeltgeregtigde kind betaalbaar is;

„kind” 'n seun of dogter van 'n lid en ook—

(a) 'n posthume kind;

(b) 'n stiefkind; en

(c) 'n kind wat wetlik aangeneem is of buite die Republiek aangeneem is indien die Sekretaris daarvan oortuig is dat die kind inderdaad aangeneem is;

„lid” 'n bydraer tot die fonds en ook 'n persoon wat met afwesigheidsverlof is of wat in sy betrekking of pos geskors is en wat onmiddellik voor sodanige verlof of skorsing sodanige bydraer was, en ook 'n persoon aan wie daar na uitdienstreding of ontslag met pensioen 'n jaargeld uit die fonds betaal word;

„meerdere bydraes” met betrekking tot 'n lid wat 'n keuse kragtens paragraaf (2) van regulasie 13 of subparagraaf (b) van paragraaf (6) van regulasie 24 uitgeoefen het—

(a) indien daar nie ingevolge die voorbehoudsbepaling van paragraaf (2) van regulasie 13 'n bedrag ten opsigte van so 'n lid na die fonds oorgedra is nie, die bedrag wat ooreenkomstig die formule bedoel in paragraaf (5) van daardie regulasie, in waarde ooreenstem met die bydraes wat deur daardie lid aan die fonds betaal sou gewees het indien hy gedurende die tydperk van sy vorige diens lid was;

(b) indien daar ingevolge die voorbehoudsbepaling van paragraaf (2) van regulasie 13 'n bedrag ten opsigte van so 'n lid na die fonds oorgedra is, die bedrag wat bestaan uit die verskil tussen—

(i) die bedrag wat ooreenkomstig genoemde formule in waarde ooreenstem met sodanige bydraes; en

(ii) die bedrag van die bydraes wat deur die lid aan die ander pensioen- of voorsorgfonds of -skema betaal is en wat deel uitmaak van die bedrag wat aldus na die fonds oorgedra is, indien die bedrag van sodanige bydraes minder is as die bedrag bedoel in item (i);

(c) indien daar nie ingevolge die voorbehoudsbepaling van subparagraaf (b) van paragraaf (6) van regulasie 24 'n bedrag ten opsigte van so 'n lid na die fonds oorgedra is nie, die helfte van die bedrag deur daardie lid betaalbaar ingevolge item (i) van genoemde subparagraaf (b);

(b) indien daar ingevolge die voorbehoudsbepaling van subparagraaf (b) van paragraaf (6) van regulasie 24 'n bedrag ten opsigte van so 'n lid na die fonds oorgedra is, die bedrag wat bestaan uit die verskil tussen—

(i) die helfte van die bedrag deur daardie lid betaalbaar ingevolge item (i) van genoemde subparagraaf (b); en

(ii) die bedrag van die bydraes wat deur daardie lid aan die ander pensioen- of voorsorgfonds of -skema betaal is en wat deel uitmaak van die bedrag wat aldus oorgedra is, indien die bedrag van sodanige bydraes minder is as die helfte van die bedrag bedoel in item (i);

(ii) the amount of the contributions which were paid by the member to the other pension or provident fund or scheme and which formed part of the amount so transferred to the fund, if the amount of such contributions is less than the amount referred to in item (i);

(c) if an amount has not been transferred to the fund in terms of the proviso to sub-paragraph (b) of paragraph (6) of regulation 24 in respect of such member, one-half of the amount payable by that member in terms of item (i) of the said sub-paragraph (b);

(d) if an amount has been transferred to the fund in terms of the proviso to sub-paragraph (b) of paragraph (6) of regulation 24 in respect of such member, the amount which is equal to the difference between—

(i) one-half of the amount payable by that member in terms of item (i) of the said sub-paragraph (b); and

(ii) the amount of the contributions which were paid to the other pension or provident fund or scheme by that member and which formed part of the amount so transferred to the fund, if the amount of such contributions is less than one-half of the amount referred to in item (i);

“Government” means the Government of the Republic and includes every provincial administration and the Administration of the Territory of South West Africa but does not include the Railway Administration;

“insured member” means a member in respect of whom, in terms of sub-paragraph (b) of paragraph (1) of regulation 25 a policy of assurance has been ceded to the Secretary for retention on behalf of the fund but does not include such a member whose policy of assurance has been returned to him after the cession of that policy has, in terms of sub-paragraph (b) of paragraph (2), paragraph (3) or paragraph (5) of regulation 25, been cancelled or whose policy of assurance has reached maturity;

“member” means a contributor to the fund and includes a person on leave of absence or under suspension from his office or post who was such a contributor immediately prior thereto, and a person who after retirement or discharge on pension is paid an annuity from the fund;

“own contributions” means the contributions paid or due by a member in accordance with the rate laid down in regulation 8 in respect of the period of his pensionable service as from the specified date or from the date on which he first becomes liable to contribute to the fund, whichever is the later date, until his retirement or discharge, and includes—

(a) any arrear, excess or transferred contributions;

(b) any amount paid or due by such member to the fund in terms of item (i) of sub-paragraph (a) of paragraph (2) of regulation 24;

(c) in the case of a member who has been permitted in terms of paragraph (5) of regulation 12 to include in his pensionable service any period referred to in that paragraph namely—

(i) the contributions which were paid by the said member to the fund in respect of a previous period of pensionable service and which form the whole or part of any amount payable by such member in accordance with the provisions of sub-paragraph (a) of paragraph (7) of regulation 12;

„oorgedraagde bydraes” —

- (a) die bedrae wat 'n lid aan 'n ander pensioen- of voorsorgfonds of -skema betaal het ingevolge die bepaling betreffende daardie fonds of skema en wat die hele bedrag of 'n gedeelte van die bedrag uitmaak wat ingevolge regulasie 13 of subparagraaf (b) van paragraaf (6) van regulasie 24 van sodanige fonds of skema as betaling aangeneem is;
- (b) die bydraes wat 'n lid aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, betaal het of verskuldig is ooreenkomstig die regulasies betreffende sodanige fonds [uitgesonderd bykomende bydraes wat ingevolge daardie regulasies betaal is en bydraes soos bedoel in subparagraaf (e)] en wat of ingesluit is by enige betaling wat die fonds ingevolge subparagraaf (c) van paragraaf (1) van regulasie 24 ontvang het of, nadat hy lid van die fonds geword het, ingesluit is by enige betaling aan die fonds deur die lid ingevolge subparagraaf (b) van paragraaf (2) van daardie regulasie;
- (c) enige bedrag wat 'n lid aan bydraes aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, betaal het ooreenkomstig die regulasies betreffende sodanige fonds (uitgesonderd bykomende bydraes wat ingevolge daardie regulasies betaal is), wat kragtens genoemde regulasies aangewend is vir die betaling van premies op 'n versekeringspolis en wat ingesluit is by enige betaling aan die fonds ingevolge regulasie 25 of 26 of by die bedrag bedoel in paragraaf (2) van regulasie 27;
- (d) alle bydraes wat 'n lid, voordat hy lid van die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings geword het, aan 'n ander pensioen- of voorsorgfonds of -skema betaal het ingevolge die wetsbepaling, regulasies of reëls betreffende daardie fonds of skema, wat ingesluit was by enige bedrag wat aan genoemde fonds vir tegniese kolleges of aan genoemde fonds vir universiteitsinrigtings, na gelang van die geval, betaal was ooreenkomstig die regulasies betreffende sodanige fonds en wat ook ingesluit is by enige betaling wat die fonds ingevolge subparagraaf (c) van paragraaf (1) van regulasie 24 ontvang het; en
- (e) alle bydraes wat 'n lid, voordat hy lid van die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, geword het, aan 'n ander pensioen- of voorsorgfonds of -skema verskuldig was ingevolge die wetsbepaling, regulasies of reëls betreffende daardie fonds of skema, wat onbetaald was toe die bedrag waarmee hy in so 'n fonds gekrediteer was, aan genoemde voorsorgfonds vir tegniese kolleges of genoemde voorsorgfonds vir universiteitsinrigtings betaal is ingevolge die regulasies betreffende sodanige fonds maar wat daarna aan die betrokke fonds betaal en ingesluit is by 'n betaling wat die fonds ingevolge subparagraaf (c) van paragraaf (1) van regulasie 24 ontvang het;

maar dit omvat nie ook rente en dividende nie;

„pensioen” 'n jaargeld, jaarlikse voordeel, gratifikasie of ander voordeel;

„pensioenleeftyd” die leeftyd van sestig jaar;

„pensioengewende diens” pensioengewende diens ooreenkomstig regulasie 14;

- (ii) so much of the amount payable by the said member in accordance with the provisions of sub-paragraph (b) of paragraph (7) of that regulation, as the Secretary after consultation with an actuary, determines to be the corresponding value of the contributions which such a member would have paid to the fund if he had been in the service of a council during any period included in his pensionable service in terms of item (ii) of sub-paragraph (a) or sub-paragraph (b) of paragraph (5) or paragraph (6) of the said regulation 12 and if he had contributed to the fund during that period,

but does not include any interest or dividends;

“pension” means an annuity, annual benefit, gratuity or other benefit;

“pensionable age” means the age of sixty years;

“pensionable emoluments” means the annual salary or wages received by the member according to a scale determined by a council as the salary scale for the post or class of post he occupies: Provided that such pensionable emoluments shall not include any—

(a) cost of living or climatic allowance;

(b) fees, honoraria or bonuses of any kind;

(c) transport or subsistence allowance;

(d) overtime payments;

(e) special remuneration which a member may receive for performing special duties or while acting in any office; or

(f) any other allowance, in cash or in kind, not herein specifically mentioned;

Provided further that in relation to any research institute referred to in section one of the Act, such salary scales shall not exceed the corresponding salary scales determined for employees of the Council for Scientific and Industrial Research referred to in that section;

“pensionable service” means pensionable service according to regulation 14;

“Railway Administration” means the authority for the control and management of the railways, ports and harbours of the Republic as established under the South Africa Act, 1909, or any other law;

“retirement age” means the age, not earlier than the pensionable age, at which, in accordance with the regulations, prescribed conditions of service or the declared policy of an associated institution, a member is required to retire from the service of such an institution;

“revenue” means moneys appropriated by Parliament for the purposes of these regulations;

“the Act” means the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963);

“the fund” means the Associated Institutions Pension Fund established under regulation 2;

“transferred contributions”, means—

- (c) the amounts paid by a member to another provident or pension fund or scheme under the provisions regulating that fund or scheme and which form part or the whole of any payment accepted from such fund or scheme in terms of regulation 13 or sub-paragraph (b) of paragraph (6) of regulation 24;

„pensioengewende verdienste” die jaarlikse salaris of loon deur die lid ontvang ooreenkomstig ’n skaal deur ’n raad bepaal as die salarisskaal vir die pos of soort pos wat hy beklee: Met dien verstande dat sodanige pensioengewende verdienste nie die volgende insluit nie:—

- (a) Lewenskoste- of klimaatstoelae;
- (b) gelde, honoraria of bonusse van enige aard;
- (c) vervoer- en verblyftoelae;
- (d) oortydbesoldiging;
- (e) spesiale vergoeding wat ’n lid mag ontvang vir die uitvoering van spesiale pligte of terwyl hy in enige pos waarneem; of
- (f) enige ander toelae, in kontant of *natura*, nie spesifiek hierin vermeld nie:

Met dien verstande voorts dat, met betrekking tot enige navorsingsinrigting bedoel in artikel een van die Wet, sodanige salarisskaal nie hoër is nie as die ooreenstemmende salarisskaal bepaal vir dié werknemers van die Wetenskaplike en Nywerheidsnavorsingsraad wat in daardie artikel bedoel word;

„Regering” die Regering van die Republiek en ook elke provinsiale administrasie en die Administrasie van die Gebied Suidwes-Afrika, maar dit omvat nie ook die Spoorwegadministrasie nie;

„Spoorwegadministrasie” die owerheid vir die beheer oor en bestuur van die spoorwêë en hawens van die Republiek soos ingestel by die Zuid-Afrika Wet, 1909, of enige ander wet;

„uitdienstredingsleeftyd” die leeftyd, nie vroeër as die pensioenleeftyd nie, waarop ’n lid ooreenkomstig die regulasies, voorgeskrewe diensvoorwaardes of verklaarde beleid van ’n geassosieerde inrigting verplig is om uit die diens van so ’n inrigting te tree;

„versekerde lid” ’n lid ten opsigte van wie ’n versekeringspolis ooreenkomstig subparagraaf (b) van paragraaf (1) van regulasie 25 aan die Sekretaris gesedeer is om dit ten behoeve van die fonds te hou, maar dit omvat nie ook ’n lid nie wie se versekeringspolis aan hom teruggegee is nadat die sedering van daardie polis ingevolge subparagraaf (b) van paragraaf (2), paragraaf (3) of paragraaf (5) van regulasie 25 ingetrek is of wie se versekeringspolis by uitkering verval het;

„voordeelgeregtigde kind” ’n kind wat—

- (a) nog nie die leeftyd van 18 jaar bereik het nie; en
- (b) nie getroud is of was nie, maar dit omvat nie ook—
  - (i) ’n kind nie wat gebore is uit ’n huwelik of verbintenis wat na die lid se uitdienstreding of ontslag met pensioen aangegaan is;
  - (ii) ’n kind nie wat as gevolg van so ’n huwelik die lid se stiefkind word;
  - (iii) ’n kind nie wat na die lid se uitdienstreding of ontslag met pensioen aange-neem is;

„weduwee” die weduwee van ’n gestorwe lid as die huwelik voor die lid se uitdienstreding of ontslag met pensioen plaasgevind het.

## HOOFSTUK I.

### STIGTING VAN ’N PENSIOENFONDS.

2. (1) Daar word met ingang van die eerste dag van Augustus 1963 ’n pensioenfonds gestig, genoem die „Pensioenfonds vir Geassosieerde Inrigtings”, wat bestaan uit—

- (a) die bedrae wat ingevolge die bepalings van subparagraaf (c) van paragraaf (1) van regulasie vier-en-twintig aan die fonds betaal word;
- (b) die bedrae wat lede aan die fonds betaal;
- (c) die bedrae wat rade aan die fonds betaal;
- (d) die bedrae wat uit inkomste aan die fonds betaal word;
- (e) alle ander bedrae waarmee die fonds gekrediteer moet word.

(b) the contributions paid or due by a member to the technical colleges provident fund or the university institutions provident fund, as the case may be, in accordance with the regulations governing such fund [other than any additional contributions paid in terms of those regulations and any contributions referred to in sub-paragraph (e)] and which are either included in any payment received by the fund in terms of sub-paragraph (c) of paragraph (1) of regulation 24 or, subsequent to this becoming a member of the fund, are included in any payment made to the fund by the member in terms of sub-paragraph (b) of paragraph (2) of that regulation;

(c) any amount which was paid by a member in contributions to the technical colleges provident fund or the university institutions provident fund, as the case may be, in accordance with the regulations governing such fund (other than any additional contributions paid in terms of those regulations), which in terms of the said regulations was utilized for the payment of premiums on a policy of assurance and which is included in any payment made to the fund in terms of regulation 25 or 26 or in the amount referred to in paragraph (2) of regulation 27;

(d) any contributions which, prior to membership of the technical colleges provident fund or the university institutions provident fund, a member had paid to another provident or pension fund or scheme in terms of the enactment, regulations or rules governing that fund or scheme, which had been included in any amount paid to the said technical colleges fund or the said university institutions provident fund, as the case may be, in terms of the regulations governing such fund and which were also included in any payment received by the fund in terms of sub-paragraph (c) of paragraph (1) of regulation 24; and

(e) any contributions which, prior to membership of the technical colleges provident fund or the university institutions provident fund, as the case may be, were due by a member to another provident or pension fund or scheme in terms of the enactment, regulations or rules governing that fund or scheme, which were unpaid when the amount standing to his credit in such fund was paid to the said technical colleges provident fund or the said university institutions provident fund in terms of the regulations governing such fund, but which were subsequently paid to the fund concerned and included in any payment received by the fund in terms of sub-paragraph (c) of paragraph (1) of regulation 24,

but does not include any dividends or interest;

“widow” means the widow of a deceased member where the marriage took place prior to the member’s retirement or discharge on pension.

## CHAPTER I.

### ESTABLISHMENT OF A PENSION FUND.

2. (1) With effect from the first day of August, 1963, there shall be established a fund called the “Associated Institutions Pension Fund”, which shall consist of—

- (a) the amounts paid to the fund in terms of sub-paragraph (c) of paragraph (1) of regulation 24;
- (b) the amounts paid to the fund by members;
- (c) the amounts paid to the fund by councils;
- (d) the amounts paid to the fund out of revenue;
- (e) any other amounts which are to be credited to the fund.

(2) Alle bedrae aan die fonds betaal, word in die krediet van die fonds in die Tesourie gestort.

(3) Dié deel van die bedrae aldus inbetaal, wat nie vir lopende doeleindes nodig is nie, is 'n deposito vir die doeleindes van die Openbare Schuld Kommissarissen Wet, 1911 (Wet No. 18 van 1911), en word dienooreenkomstig belê.

(4) Indien die rente wat die fonds trek op die beleggings bedoel in paragraaf (3), in enige jaar wat op die een-en-dertigste dag van Maart sluit, altesaam minder as vier persent is, word 'n bedrag gelyk aan die verskil tussen die rente aldus getrek en vier persent uit inkomste aan die fonds betaal sodra die Kontroleur en Ouditeur-generaal sodanige bedrag gesertifiseer het.

#### REKENINGS.

3. (1) Die Sekretaris moet op 'n volledige en juiste wyse laat boekhou van die fonds, en sodanige boekhouding moet besonderhede toon in verband met alle sake waarvan daar boekgehou moet word vir die toepassing van hierdie regulasies of sodat die fonds te eniger tyd aktuarieel gewaardeer kan word.

(2) Die Sekretaris moet die boeke en rekenings van die fonds elke jaar op die een-en-dertigste dag van Maart laat afsluit en 'n balansstaat opstel waarin die bates en laste van die fonds op daardie datum aangegee word.

#### AKTUARIËLE WAARDERING.

4. (1) 'n Aktuaris moet die bates en laste van die fonds soos op die een-en-dertigste dag van Maart 1966 en elke vyf jaar daarna waardeer en verslag daarvoor aan die Minister doen.

(2) Elke verslag van die aktuaris word binne twee maande na ontvangs daarvan deur die Minister, in die Senaat en die Volksraad ter tafel gelê as die Parlement dan in sessie is of, as die Parlement nie dan in sessie is nie, binne twee maande na die aanvangs van die eersvolgende gewone sessie.

(3) Indien die aktuaris in so 'n verslag sertifiseer dat daar 'n wesenlike surplus of 'n wesenlike tekort is, word die bydraes wat deur of ten opsigte van lede of enige klas lid betaalbaar is, verlaag of verhoog of, as alternatief, die betaalbare voordele verlaag of verhoog in dié mate en vanaf dié datum wat die Minister, in oorleg met die Minister van Finansies en op aanbeveling van die aktuaris, mag bepaal: Met dien verstande dat die koers waarteen bydraes ten opsigte van lede deur 'n raad of uit inkomste of gesamentlik deur 'n raad en uit inkomste betaal word, nie tot minder as die koers waarteen bydraes deur die lede betaal word, verminder mag word nie.

(4) 'n Verklaring wat die beslissing van die Minister kragtens subparagraaf (3) bevat, word binne een jaar vanaf die datum waarop die verslag van die aktuaris ter tafel gelê is, in die Senaat en die Volksraad ter tafel gelê.

#### ADMINISTRASIE VAN DIE FONDS.

5. Die sake van die fonds word deur die Sekretaris bestuur, en die koste in verband daarmee en in verband met 'n aktuariële ondersoek en sake wat daaruit voortvloei, word uit inkomste betaal.

#### DISKWALIFIKASIE OM 'N BYDRAER TE WEES.

6. Niemand dra tot die fonds by nie—

- (a) terwyl hy onder die leeftyd van vyftien jaar is;
- (b) indien hy ooreenkomstig 'n kontrak in diens geneem is vir die voltooiing of verrigting van bepaalde werk;
- (c) indien hy uitsluitlik by wyse van honoraria of toeslaes besoldig word;
- (d) terwyl hy in 'n tydelike hoedanigheid of vir 'n bepaalde getal maande of jare in diens geneem is;
- (e) terwyl hy nie voltyds in 'n vaste hoedanigheid in 'n pos op die dienstaat van 'n geassosieerde inrigting in diens geneem is nie.

(2) All amounts paid to the fund shall be lodged with the Treasury to the credit of the fund.

(3) So much of the amounts so lodged as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioner's Act, 1911 (Act No. 18 of 1911), and shall be invested accordingly.

(4) If the interest earned by the fund on deposits referred to in paragraph (3) should be less than four per cent in the aggregate in any year ending on the thirty-first day of March, a sum equal to the difference between the interest so earned and four per cent shall be paid out of revenue to the fund as soon as the Controller and Auditor-General has certified such sum.

#### ACCOUNTS.

3. (1) The Secretary shall cause full and true accounts of the fund to be kept showing particulars in connection with any matter of which it is necessary to keep an account for the purpose of these regulations or in order that an actuarial valuation of the fund may be made at any time.

(2) The Secretary shall cause the books and accounts of the fund to be balanced up to the thirty-first day of March in each year and a balance sheet to be prepared showing the assets and liabilities of the fund at that date.

#### ACTUARIAL VALUATIONS.

4. (1) An actuary shall value the assets and liabilities of the fund as at the thirty-first day of March, 1966, and every five years thereafter, and shall report thereon to the Minister.

(2) Each report of the actuary shall be laid upon the Table in the Senate and in the House of Assembly within two months after the receipt thereof by the Minister if Parliament is then in session, or, if Parliament is not then in session, within two months after the commencement of its next ensuing ordinary session.

(3) If the actuary in such a report certifies that there is a substantial surplus or a substantial deficiency, the contributions payable by or in respect of members or any class of members shall be reduced or increased, or alternatively, the benefits payable shall be increased or decreased, to such an extent and as from such a date as the Minister, in consultation with the Minister of Finance and on the recommendation of the actuary, may determine: Provided that the rate at which contributions are paid in respect of members by a council or from revenue or jointly by a council and from revenue shall not be reduced to less than the rate at which contributions are paid by members.

(4) A statement embodying the decision of the Minister under paragraph (3) shall be laid upon the Table in the Senate and in the House of Assembly within one year from the date on which the report of the actuary was laid thereon.

#### ADMINISTRATION OF THE FUND.

5. The business of the fund shall be conducted by the Secretary and the cost in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid out of revenue.

#### DISQUALIFICATIONS TO BE A CONTRIBUTOR.

6. No person shall contribute to the fund—

- (a) while under the age of fifteen years;
- (b) if he has been engaged on contract for the completion or performance of specific work;
- (c) if remunerated solely by fees or allowances;
- (d) while employed in a temporary capacity or for a fixed number of months or years;
- (e) while not employed in a full-time permanent capacity in a post on the establishment of an associated institution.

## PERSONE WAT LEDE MOET WORD.

7. Behoudens die bepalinge van regulasie 6, moet elke persoon—

- (a) wat op die bepaalde datum in 'n voltydse permanente hoedanigheid in 'n pos op die diensstaat van 'n geassosieerde inrigting in diens is en wat op daardie datum nie lid is nie van die voorsorgfonds vir tegniese kolleges of van 'n ander pensioen- of voorsorgfonds of -skema wat deur 'n raad vir die werknemers ingestel is en geadministreer word; of
- (b) wat op of na die bepaalde datum in 'n voltydse permanente hoedanigheid in 'n pos op die diensstaat van 'n geassosieerde inrigting aangestel word; behoudens die goedkeuring van die Sekretaris, lid word van en bydra tot die fonds—

- (i) in die geval van iemand op wie paragraaf (a) betrekking het, vanaf die bepaalde datum; of
- (ii) in die geval van iemand op wie paragraaf (b) betrekking het, vanaf die datum van sodanige aanstelling.

## BYDRAEKOERS.

8. Behoudens die bepalinge van regulasie 6, moet elke persoon van wie daar vereis word om tot die fonds by te dra, in die geval van 'n man, bydra teen agt persent van sy pensioengewende verdienste of, in die geval van 'n vrou, bydra teen sewe persent van haar pensioengewende verdienste.

## INVORDERING VAN BYDRAES.

9. (1) 'n Lid dra by deur middel van aftrekkings van sy pensioengewende verdienste, en sodanige bydraes word aan die fonds betaal op dié tye en op dié wyse wat die Sekretaris mag bepaal.

(2) Indien 'n lid wat agterstallige bydraes, meerdere bydraes of addisionele meerdere bydraes en rente daarop betaal of wat enige ander bedrag aan die fonds verskuldig is, te sterwe kom of uit diens tree of afgedank of ontslaan word voordat die hele bedrag van sodanige bydraes en rente of die hele ander bedrag betaal is, word die bedrag wat nog nie betaal is nie, in mindering gebring teen die pensioen wat uit die fonds aan hom of sy afhanklikes of aan sy boedel betaalbaar is en word sodanige pensioen bereken op grondslag van die hele tydperk van pensioengewende diens ten opsigte waarvan daar van hom vereis is om by te dra of hy verkies het om by te dra.

(3) 'n Lid hou aan om tot die fonds by te dra terwyl hy met siekte- of ander verlof met volle of minder as volle besoldiging afwesig is, en sy bydraes gedurende sodanige verlof word op sy volle pensioengewende verdienste gebaseer.

(4) 'n Lid kan kies om by te dra ten opsigte van 'n tydperk van afwesigheid met siekte- of ander verlof sonder besoldiging, en indien hy aldus kies om by te dra, word sy bydraes gebaseer op die bedrag wat die Sekretaris mag bepaal maar wat nie minder as sy volle pensioengewende vierdiensde onmiddellik voor sodanige verlof mag wees nie: Met dien verstande dat as die bydraes wat betaalbaar is, nie betaal word op die datums waarop dit betaal sou gewees het as hy nie met sodanige verlof was nie, genoemde lid rente teen die koers van twee maal vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, moet betaal op die bydraes wat aan die einde van elke maand onbetaald bly.

(5) 'n Lid wat in sy diens geskors is, moet met die toestemming van die Sekretaris en op die voorwaardes wat die Sekretaris mag bepaal, ten opsigte van die tydperk van skorsing tot die fonds bydra.

(6) Indien 'n lid per uur, per dag of per week besoldig word, word sy pensioengewende verdienste vasgestel op grondslag van die jaarlikse ekwivalent van sodanige besoldiging.

## PERSONS WHO SHALL BECOME MEMBERS.

7. Subject to the provisions of regulation 6, every person—

- (a) who on the specified date is employed in a full-time permanent capacity in a post on the establishment of an associated institution and who on that date is not a member of the technical colleges provident fund, or of any other pension or provident fund or scheme established and administered by a council for its employees; or
- (b) who, on or after the specified date, is appointed in a full-time permanent capacity to a post on the establishment of an associated institution; shall, subject to the approval of the Secretary, become a member of and contribute to the fund—

- (i) in the case of a person to whom paragraph (a) refers, as from the specified date; or
- (ii) in the case of a person to whom paragraph (b) refers, as from the date of such appointment.

## RATE OF CONTRIBUTION.

8. Subject to the provisions of regulation 6 every person who is required to contribute to the fund shall, in the case of a male person contribute at the rate of eight per cent of his pensionable emoluments or, in the case of a female person, contribute at the rate of seven per cent of her pensionable emoluments.

## COLLECTION OF CONTRIBUTIONS.

9. (1) Contributions by a member shall be made by deductions from his pensionable emoluments and shall be paid to the fund at such times and in such manner as the Secretary may determine.

(2) If a member who is paying arrear contributions, excess contributions or additional excess contributions and any interest thereon or by whom any other amount is due to the fund, dies or retires or is retired or discharged before the total amount of such contributions and interest or the whole of such other amount has been paid, the amount which remains unpaid shall be set off against the pension payable to him or his dependants or to his estate from the fund and such pension shall be calculated upon the whole period of pensionable service in respect of which he was required or has elected to contribute.

(3) A member shall continue to contribute to the fund while on sick or other leave with full or less than full pay and his contributions during such leave shall be based on his full pensionable emoluments.

(4) A member may elect to contribute in respect of any period of absence on sick or other leave without pay and, if he should so elect to contribute, his contributions shall be based on such an amount, not being less than his full pensionable emoluments immediately prior to such leave, as may be determined by the Secretary: Provided that if the contributions payable are not paid on the dates on which they would have been paid had he not been absent on such leave, the said member shall pay interest at the rate of twice four per cent per annum, compounded annually as at the thirty-first day of March, on the contributions which remain unpaid at the end of each month.

(5) A member who has been suspended from duty shall, with the approval of the Secretary and on such conditions as the Secretary may determine, contribute to the fund in respect of the period of suspension.

(6) If a member is remunerated at an hourly daily or weekly rate of pay his pensionable emoluments shall be assessed on the basis of the annual equivalent of such rate.

## LEDE WAT NA ANDER DIENSTE GESEKONDEER WORD.

10. 'n Lid wat gesecondeer word van die diens van een raad na die diens van 'n ander raad of na die diens van die Regering of 'n ander regering of 'n raad, inrigting, liggaam of werkgewer deur die Sekretaris goedgekeur, mag, behoudens die goedkeuring van die Sekretaris, aanhou om tot die fonds by te dra terwyl hy aldus gesecondeer is; Met dien verstande dat—

- (a) die bydraes waarmee aldus aangehou word, gebaseer word op die verdienste wat die Sekretaris, in oorleg met die betrokke raad, bepaal as die pensioengewende verdienste wat genoemde lid sou ontvang het indien hy nie aldus gesecondeer was nie;
- (b) indien die lid van die diens van 'n raad bedoel in subparagraaf (b) of (c) van paragraaf (1) van regulasie 22, gesecondeer word na die diens van 'n raad bedoel in subparagraaf (a) van daardie paragraaf of na die diens van 'n ander regering, raad, inrigting, liggaam of werkgewer, laasgenoemde raad of sodanige ander regering, raad, inrigting, liggaam of werkgewer, of die lid self, 'n bedrag gelyk aan die bydraes wat ten opsigte van die lid uit inkomste betaal is terwyl hy gesecondeer is, aan inkomste moet terugbetaal;
- (c) die raad, Regering, ander regering, raad, inrigting, liggaam of werkgewer na wie se diens die lid gesecondeer word, indien daartoe gelas, aan die raad van wie se diens hy gesecondeer is, 'n bedrag moet betaal wat gelyk is aan die bydraes wat laasgenoemde raad ten opsigte van die lid aan die fonds betaal het gedurende die tydperk wat hy aldus gesecondeer is.

## OORPLASING EN AANSTELLING TUSSEN RADE.

11. 'n Lid wat van die diens van een raad na die diens van 'n ander raad oorgeplaas word of wat in die diens van 'n ander raad aangestel word sonder 'n onderbreking in die kontinuïteit van sy diens of met dié 'n onderbreking in die kontinuïteit van sy diens wat die Sekretaris mag goedkeur as nodig en redelik onder die omstandighede, bly, tensy die Sekretaris anders gelas en ondanks andersluidende bepalings in hierdie regulasies vervat, uitgesonderd die eerste voorbehoudsbepaling van hierdie regulasie, sonder onderbreking van die regte en voorregte wat hy verkry en die verpligtinge wat hy aangegaan het, steeds lid van die fonds: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie in die geval van 'n lid wie se diens by die eerste raad beëindig is onder die omstandighede soos in paragraaf (2) van regulasie 19 beskryf: Met dien verstande voorts dat, indien daar 'n breuk in die kontinuïteit van sy diens is, die lid aansoek mag doen om toegelaat te word om die tydperk van die breuk in sy pensioengewende diens by sy pensioengewende diens in te sluit, en indien hy aldus toegelaat word moet hy ten opsigte van daardie tydperk aan die fonds 'n bedrag betaal wat ingevolge die bepalings van subparagraaf (b) van paragraaf (7) van regulasie 12 bepaal is.

## KEUSE OM BY TE DRA TEN OPSIGTE VAN VORIGE ONONDERBROKE EN ONDERBROKE DIENS.

12. (1) Behoudens die bepalings van paragraaf (2), word daar aan 'n lid wat ononderbroke diens by 'n geassosieerde inrigting gehad het onmiddellik voor die datum waarop hy verplig geword het om tot die fonds by te dra en wat op daardie datum nie lid was nie van die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings of enige ander pensioen- of voorsorgfonds of -skema deur 'n raad vir sy werknemers gestig en geadministreer, die keuse gegee om tot die fonds by te dra ten opsigte van dié tydperk van sodanige diens wat die Sekretaris mag goedkeur, en moet hy sy keuse skriftelik uitoefen binne negentig dae vanaf die datum waarop hy deur die betrokke raad aangesê word om dit te doen.

## MEMBERS SECONDED TO OTHER SERVICES.

10. A member who is seconded from the service of one council to the service of another council, or to the service of the Government or another government, or any board, institution, body or employer approved by the Secretary may, subject to the approval of the Secretary, continue while so seconded to make contributions to the fund: Provided that—

- (a) the contributions so continued to be made shall be based on the emoluments determined by the Secretary, in consultation with the council concerned, as the pensionable emoluments which the said member would have received had he not been so seconded;
- (b) if the member is seconded from the service of a council referred to in sub-paragraph (b) or (c) of paragraph (1) of regulation 22 to the service of a council referred to in sub-paragraph (a) of that paragraph, or to the service of another government, board, institution, body or employer, the latter council or such other government, board, institution, body or employer, or the member himself, shall repay to revenue an amount equal to any contributions paid from revenue in respect of the member during the period he is so seconded;
- (c) if so required, the council, Government, other government, board, institution, body or employer to whose service the member is seconded shall repay to the council from whose service he has been seconded an amount equal to any contributions paid to the fund by the last-mentioned council in respect of the member during the period he is seconded.

## INTER-COUNCIL TRANSFERS AND APPOINTMENTS.

11. A member who transfers from the service of one council to the service of another council or who is appointed to the service of another council without a break in the continuity of his employment or with such break in the continuity in his employment as may be approved by the Secretary as necessary and reasonable in the circumstances, shall, unless the Secretary otherwise directs and notwithstanding anything to the contrary contained in these regulations other than the first proviso to this regulation, continue to be a member of the fund without interruption of rights and privileges acquired and obligations incurred: Provided that the provisions of this paragraph shall not apply in the case of a member whose service with the first council terminates in circumstances described in paragraph (2) of regulation 19: Provided further that if there is a break in the continuity of his employment the member may apply to be permitted to include the period of the break in his pensionable service and if he is so permitted he shall pay to the fund in respect of that period an amount determined in accordance with the provisions of sub-paragraph (b) of paragraph (7) of regulation 12.

## OPTION TO CONTRIBUTE IN RESPECT OF PAST CONTINUOUS EMPLOYMENT AND NON-CONTINUOUS EMPLOYMENT.

12. (1) Subject to the provisions of paragraph (2) any member who has had continuous employment with an associated institution immediately prior to the date on which he became liable to contribute to the fund and who on that date was not a member of the technical colleges provident fund or the university institutions provident fund or of any other pension or provident fund or scheme established and administered by a council for its employees, shall be given the option of contributing to the fund in respect of any period of such employment as may be approved by the Secretary, and shall exercise such option in writing within ninety days of the date on which he is called upon by the council concerned to do so.

(2) Vir die toepassing van paragraaf (1), omvat ononderbroke diens ook enige tydperk van ononderbroke diens by enige inrigting, raad of liggaam onmiddellik voor die datum waarop die betrokke inrigting, raad of liggaam kragtens die Wet 'n geassosieerde inrigting geword het of word indien sodanige tydperk aaneenlopend is met sodanige diens op of na daardie datum, maar dit omvat nie 'n tydperk van diens waarin die bepalings van sub-paragraaf (a) of (c) van regulasie 6 ten opsigte van dié persoon van toepassing was nie.

(3) Behoudens die bepalings van paragraaf (4), word agterstallige bydraes wat 'n lid moet betaal as gevolg van 'n keuse kragtens paragraaf (1) gedoen, gebaseer op die lid se pensioengewende verdienste en is sodanige bydraes in een bedrag betaalbaar, tesame met rente op sodanige bydraes teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, tot en met die laaste dag van die maand waarin hy van sy aanspreeklikheid in kennis gestel is en bereken volgens die datums waarop genoemde bydraes betaalbaar sou gewees het as die lid gedurende sodanige tydperk 'n bydraer tot die fonds was.

(4) Indien die lid nie in staat is om die bedrag van die is, in een betaling te likwideer nie, word sodanige bedrag agterstallige bydraes en die rente wat daarop verskuldig verhaal op dié wyse en in dié paaiemente wat die Sekretaris mag bepaal en moet die lid rente teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, betaal op die bedrag wat aan die einde van elke maand onbetaald bly.

(5) 'n Lid wat een of meer vorige tydperke van diens gehad het ten opsigte waarvan hy tot die fonds bygedra het, mag op aansoek toegelaat word om—

(a) soveel van—

(i) een of meer sodanige tydperke van diens; en

(ii) enige tydperk wat tussen twee sodanige tydperke of tussen sodanige tydperk en die datum waarop sodanige pensioengewende diens begin het, val; of

(b) soveel van die tydperk wat tussen die datum waarop hy die leeftyd van vyf-en-twintig jaar bereik het en die aanvangsdatum van sodanige pensioengewende diens val;

as wat die Sekretaris mag goedkeur, by sy pensioengewende diens in te sluit op dié voorwaardes wat die Minister mag bepaal.

(6) 'n Lid [uitgesonderd 'n lid op wie die bepalings van paragraaf (5) van toepassing is] mag op aansoek toegelaat word om soveel van die tydperk wat tussen die datum waarop hy die leeftyd van vyf-en-twintig jaar bereik het en die aanvangsdatum van sy pensioengewende diens val, by sy pensioengewende diens in te sluit as wat die Sekretaris mag goedkeur op die voorwaardes wat die Minister mag bepaal.

(7) Die voorwaardes bedoel in paragrawe (5) en (6), moet onder andere voorsiening maak—

(a) in die geval van 'n lid wat kragtens paragraaf (5) aansoek doen om 'n gedeelte van 'n vorige tydperk van diens by sy pensioengewende diens in te sluit—vir die terugbetaling, deur so 'n lid, in paaiemente of andersins, van enige geldelike voordeel, of gedeelte daarvan, wat uit die fonds aan hom betaal mag gewees het by die beëindiging van genoemde tydperk;

(b) vir die betaling deur 'n lid, ten opsigte van enige tydperk wat kragtens item (ii) van subparagraaf (a) of subparagraaf (b) van paragraaf (5) of paragraaf (6) by sy pensioengewende diens ingesluit is, van 'n bedrag wat die Sekretaris na oorlegpleging met 'n aktuaris bepaal;

(c) vir die voorwaardes wat gestel moet word in verband met die terugbetaling van 'n voordeel bedoel in subparagraaf (a) of die betaling van 'n bedrag wat kragtens subparagraaf (b) bepaal is;

(2) For the purposes of paragraph (1) continuous employment shall include any period of continuous employment with any institution, board or body immediately prior to the date on which the institution, board or body concerned became or becomes an associated institution in terms of the Act if such period is continuous with such employment on and after that date, but shall not include any period of employment during which the provisions of sub-paragraphs (a) or (c) of regulation 6 applied in respect of the person concerned.

(3) Subject to the provisions of paragraph (4) any arrear contributions which a member is required to make by virtue of an election made in terms of paragraph (1) shall be based on the member's pensionable emoluments, and shall be payable in one sum together with interest on such contributions at the rate of four per cent per annum, compounded annually as at the thirty-first day of March up to and including the last day of the month in which he is notified of his liability and calculated according to the dates upon which the said contributions would have been payable had the member during such period been a contributor to the fund.

(4) If the member is unable to liquidate, in one payment, the amount of the arrear contributions and the interest due thereon, such amount shall be recovered in such manner and in such instalments as the Secretary may determine and he shall pay interest at the rate of four per cent per annum, compounded annually as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(5) A member who has had one or more previous periods of employment in respect of which he contributed to the fund may on application be permitted to include in his pensionable service—

(a) so much of—

(i) any one or more of such periods of employment; and

(ii) any period intervening between any two such periods or between such a period and the date on which such pensionable service commenced; or

(b) so much of the period between the date on which he attained the age of twenty-five years and the date on which such pensionable service commenced

as the Secretary may approve in accordance with such terms and conditions as the Minister may determine.

(6) A member [not being a member to whom the provisions of paragraph (5) apply] may on application be permitted to include in his pensionable service so much of the period between the date on which he attained the age of twenty-five years and the date on which his pensionable service commenced, as the Secretary may approve in accordance with such terms and conditions as the Minister may determine.

(7) The terms and conditions referred to in paragraphs (5) and (6) shall provide *inter alia*—

(a) in the case of a member who applies in terms of paragraph (5) to have any part of a previous period of employment included in his pensionable service, for the refund by such member, in instalments or otherwise, of any monetary benefit, or part thereof, which on the termination of the said period may have been paid to him from the fund;

(b) for the payment by a member, in respect of any period included in his pensionable service in terms of item (ii) of sub-paragraph (a) or sub-paragraph (b) of paragraph (5) or paragraph (6), of an amount determined by the Secretary after consultation with an actuary;

(c) for the conditions to be imposed in regard to the repayment of any benefit referred to in sub-paragraph (a) or the payment of any amount determined in terms of sub-paragraph (b);

(d) vir die wyse waarop 'n aansoek kragtens paragrawe (5) en (6) gedoen moet word, die kennis wat aan die betrokke lid gegee moet word van die voorwaardes wat op sy geval van toepassing is en die tydperk waarin hy moet kies of hy sodanige voorwaardes aanvaar of verwerp;

(8) Enige tydperk ten opsigte waarvan 'n lid verkies het dat dit nie in sy pensioengewende diens ingesluit word nie en wat tussen twee tydperke van pensioengewende diens val, word geag nie die kontinuïteit van sy diens vir die toepassing van regulasie 14 te onderbreek nie.

#### PERSONE WAT VAN OF UIT 'N ANDER PENSIONGEWENDE DIENS OORGEPLAAS OF AANGESTEL WORD.

13. (1) Iemand wat oorgeplaas word na of aangestel word in 'n diens ten opsigte waarvan hy verplig is om tot die fonds by te dra en wat voor sodanige oorpasing of aanstelling lid was van—

- (a) 'n ander pensioen- of voorsorgfonds wat by wet ingestel is en deur die Regering geadministreer word; of
- (b) 'n pensioenfonds wat by wet ingestel is en deur die Spoorwegadministrasie geadministreer word; of
- (c) 'n pensioen- of voorsorgfonds of ander -skema wat vir 'n uitdienstredingspensioen voorsiening maak, wat binne die Republiek of buite die Republiek bestaan, wat nie 'n fonds of skema is soos in paragraaf (a) of (b) bedoel nie en wat vir die toepassing van hierdie regulasies deur die Minister erken word; moet, indien hy aldus oorgeplaas of aangestel word sonder 'n onderbreking in sy diens of, behoudens die bepalings van enige wet, met dié onderbreking van sy diens wat die Sekretaris as nodig en redelik onder die omstandighede goedkeur, vanaf die datum van sodanige oorpasing of aanstelling tot die fonds bydra.

(2) Iemand wat aldus oorgeplaas of aangestel word, kan binne sestig dae vanaf die datum waarop hy deur die Sekretaris aangese word om dit te doen of binne dié addisionele tydperk van hoogstens negentig dae wat die Sekretaris onder spesiale omstandighede toelaat, skriftelik kies om sy vorige pensioengewende diens as pensioengewende diens vir die doeleindes van die fonds te reken, en indien hy kies om sy vorige pensioengewende diens aldus te reken, moet die lid aan die fonds 'n bedrag betaal wat ooreenkomstig paragraaf (5) bereken is: Met dien verstande dat enige bedrag wat beskikbaar mag wees vir oorpasing tot die lid se kredit uit die pensioen- of voorsorgfonds of ander -skema waarvan hy voorheen lid was, tesame met enige addisionele bedrag wat deur die owerheid wat sodanige ander fonds of skema administreer of kragtens die Wet, regulasies of reëls betreffende sodanige fonds of skema, betaal mag word, aangeneem moet word as volle of gedeeltelike nakoming van sy aanspreeklikheid.

(3) Behoudens die bepalings van paragraaf (4), is enige bedrag wat 'n lid uit hoofde van sy keuse kragtens paragraaf (2) moet betaal, in een som betaalbaar, tesame met rente op dié bedrag teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, vanaf die datum waarop hy verplig geword het om tot die fonds by te dra tot en met die datum waarop betaling aan die fonds geskied.

(4) Indien die lid nie in staat is om die bedrag wat hy ingevolge paragraaf (2) of (3) moet betaal, in een som te vereffen nie, word sodanige bedrag verhaal op dié wyse en in dié paalemente wat die Sekretaris mag bepaal en moet hy aanhou om rente te betaal teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, op die bedrag wat aan die einde van elke maand onbetaald bly.

(5) Die bedrag deur 'n lid verskuldig uit hoofde van 'n keuse kragtens paragraaf (2), word bereken ooreenkomstig 'n formule deur 'n aktuaris verstrekk en deur die Minister goedgekeur en moet in waarde ooreenstem met dubbel die bydraes wat deur die lid betaalbaar sou gewees het as hy gedurende daardie tydperk lid van die fonds was, tesame met rente teen die koers van vyf persent per jaar, jaarliks

(d) for the manner in which an application in terms of paragraphs (5) and (6) shall be made, the notification to be given to the member concerned of the terms and conditions applicable to his case and the period within which he shall elect to accept or reject such terms and conditions.

(8) Any period which a member has not elected to include in his pensionable service and which falls between two periods of pensionable service shall not be deemed to interrupt the continuity of the member's pensionable service for the purposes of regulation 14.

#### PERSONS TRANSFERRED OR APPOINTED FROM OTHER PENSIONABLE EMPLOYMENT.

13. (1) A person who is transferred or appointed to employment in respect of which he is liable to contribute to the fund and who prior to such transfer or appointment, was a member of—

- (a) another pension or provident fund established by law and administered by the Government; or
- (b) a pension fund established by law and administered by the Railway Administration; or
- (c) a pension or provident fund, or any other scheme providing for a retirement pension, which exists in the Republic or outside the Republic, which is not a fund or scheme referred to in sub-paragraph (a) or (b) and which is recognised by the Minister for purposes of this regulation,

shall, if he is so transferred or appointed without a break in the continuity of his employment or, subject to any provision in any law contained, with such break in his employment as may be approved by the Secretary as necessary and reasonable in the circumstances, contribute to the fund as from the date of such transfer or appointment.

(2) A person who is so transferred or so appointed may elect in writing within sixty days from the date on which he is called upon by the Secretary to do so, or within such additional period not exceeding ninety days as the Secretary may in special circumstances allow, to reckon his past pensionable service as pensionable service for purposes of the fund and if he elects so to reckon his past pensionable service there shall be paid to the fund by the member an amount calculated in terms of paragraph (5): Provided that any amount which may be available for transfer to the member's credit from the pension or provident fund or other scheme of which he was previously a member, together with any additional amount which may be paid by the authority administering such other fund or scheme or in terms of the law, regulations or rules governing such fund or scheme, shall be accepted in full or part reduction of his liability.

(3) Subject to the provisions of paragraph (4), any amount which a member is required to pay by virtue of an election made in terms of paragraph (2) shall be payable in one sum together with interest on such amount at the rate of four per cent per annum compounded annually as at the thirty-first day of March as from the date he became liable to contribute to the fund until the date on which payment to the fund is effected.

(4) If the member is unable to liquidate any amount payable by him in terms of paragraphs (2) or (3) in one payment, such amount shall be recovered in such manner and in such instalments as the Secretary may determine and he shall continue to pay interest at the rate of four per cent per annum, compounded annually as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(5) The amount due by any member by virtue of an election made in terms of paragraph (2) shall be calculated in accordance with a formula furnished by an actuary and approved by the Minister and shall correspond in value to twice the contributions which would have been payable by the member during the period of his past pensionable service if during that period he had been a member of the fund, together with interest at the rate of five per cent

saamgestel op die een-en-dertigste dag van Maart, tot en met die dag onmiddellik voor die dag waarop hy verplig geword het om tot die fonds by te dra, en bereken volgens die datums waarop sodanige bydraes aan die fonds betaal sou gewees het.

#### PENSIOENGEWENDE DIENS.

14. (1) Die pensioengewende diens ten opsigte waarvan enige pensioen bereken moet word, moet ononderbroke wees en omvat die tyd deurgebring—

- (a) in gewone diens;
- (b) met afwesigheidsverlof;
- (c) gedurende skorsing in diens;

en word nie geag deur afwesigheid met verlof sonder besoldiging onderbreek te word nie: Met diën verstande dat geen tydperk van diens, verlof of skorsing in diens van 'n lid by sy pensioengewende diens ingesluit word nie tensy die fonds bydraes ontvang het of hy ten opsigte van daardie tydperk tot die fonds bygedra het of tensy die bydraes verskuldig ten opsigte van daardie tydperk, van sy pensioen afgetrek word ooreenkomstig die bepalings van paragraaf (2) van regulasie 9.

(2) Die tydperk van pensioengewende diens word per jaar en volgens 'n gedeelte van 'n jaar bereken, en sodanige gedeelte van 'n jaar word bepaal volgens die verhouding van die getal dae in dié gedeelte tot driehonderd vyf-en-sestig dae.

#### LEEFTYD VIR UITDIENSTREDING.

15. (1) Behoudens die bepalings van paragrafe (2), (3) en (4), word 'n lid met pensioen afgedank wanneer hy die uitdienstredingsleeftyd bereik.

(2) 'n Lid wat die pensioenleeftyd bereik het maar nog nie die uitdienstredingsleeftyd nie, kan, indien hy te eniger tyd skriftelik kennis gee van sy begeerte om met pensioen afgedank te word en die raad tot sodanige uitdienstreding instem, aldus afgedank word.

(3) 'n Lid wat die pensioenleeftyd bereik het maar nog nie die uitdienstredingsleeftyd nie, kan met pensioen afgedank word indien die raad dit gelas.

(4) 'n Lid kan, indien die raad aldus besluit en die lid daarmee instem, na die uitdienstredingsleeftyd van tyd tot tyd in sy amp of pos aangehou word vir dié verdere tydperke wat die raad mag bepaal.

#### GRATIFIKASIES.

16. Aan 'n lid, uitgesonderd 'n versekerde lid, wat—

- (a) voordat hy tien jaar pensioengewende diens voltooi het uit die diens van 'n raad tree, afgedank of ontslaan word—
  - (i) kragtens regulasie 15; of
  - (ii) as gevolg van 'n mediese verslag wat ooreenkomstig die bepalings van paragraaf (1) van regulasie 18 verstrek is; of
- (b) voordat hy die pensioenleeftyd bereik het, uit die diens van 'n raad afgedank of ontslaan word—
  - (i) weens die afskaffing van sy amp of 'n vermindering in die personeel van 'n geassosieerde inrigting;
  - (ii) omdat sy ontslag, om ander redes as sy ongeskiktheid of onbevoegdheid, doeltreffendheid of besuiniging sal bevorder in die geassosieerde inrigting waar hy werksaam is;
  - (iii) weens ongeskiktheid (uitgesonderd swak gesondheid) vir sy werksaamhede of onvermoë om dit doeltreffend te verrig;

word 'n gratifikasie betaal gelyk aan sestion persent van sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens of gedurende die hele tydperk van sodanige diens, naamlik die kortste tydperk, ten opsigte van elke jaar van sy pensioengewende diens.

per annum, compounded annually as at the thirty-first day of March up to and including the day immediately preceding the day on which he became liable to contribute to the fund and calculated according to the dates on which such contributions would have been paid to the fund.

#### PENSIONABLE SERVICE.

14. (1) Pensionable service with reference to which any pension is to be calculated shall be continuous and shall include the time spent—

- (a) on normal duty;
- (b) on leave of absence;
- (c) under suspension from duty,

and shall not be regarded as interrupted by leave of absence without pay: Provided that no period of employment, leave or suspension from duty of a member shall be included in his pensionable service unless the fund has received contributions or he has contributed to the fund in respect of that period or unless the contributions due in respect of that period are deducted from the pension in terms of paragraph (2) of regulation 9.

(2) The period of pensionable service shall be calculated by the year and portion of a year and such portion of a year shall be determined according to the proportion which the number of days in that portion bears to three hundred and sixty-five days.

#### AGES FOR RETIREMENT.

15. (1) Subject to the provisions of paragraph (2), (3) and (4), a member shall be retired on pension on attaining the retirement age.

(2) A member who has reached the pensionable age but has not attained the retirement age may, if at any time he gives written notification of his wish to be retired on pension and the council consents to such retirement, be so retired.

(3) A member who has reached the pensionable age but has not attained the retirement age may be retired on pension if the council so directs.

(4) A member may, if the council so decides and such member agrees thereto, be retained from time to time in his office or post beyond the retirement age for such further periods as the council may decide.

#### GRATUITIES.

16. A member, other than an insured member, who—

- (a) before he has had ten years' pensionable service, retires or is retired or discharged from the service of the council—
  - (i) in terms of regulation 15; or
  - (ii) as the result of a medical report furnished in terms of paragraph (1) of regulation 18; or
- (b) before he has attained the pensionable age is retired or discharged from the service of a council—
  - (i) owing to the abolition of his office or to any reduction in the establishment of an associated institution;
  - (ii) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the associated institution with which he is employed;
  - (iii) on account of unfitness (other than ill-health) for his duties or incapacity to carry them out efficiently;

shall be paid a gratuity equal to sixteen per cent of the annual average of his pensionable emoluments for the last seven years of his pensionable service, or for the whole period of such service, whichever is the lesser period, in respect of each year of his pensionable service.

JAARGELD EN GRATIFIKASIE NA TIEN JAAR  
PENSIOENGEWENDE DIENS.

17. (1) 'n Lid wat kragtens regulasie 15 uit die diens van 'n raad tree of afgedank word of wat, nadat hy die pensioenleeftyd bereik het maar voordat hy die uitdiens-tredingsleeftyd bereik het, as gevolg van 'n mediese verslag wat ingevolge subparagraaf (1) van regulasie 18 verstrekk is, afgedank of ontslaan word, en wat in beide gevalle minstens tien jaar pensioengewende diens voltooi het is geregtig op—

- (a) 'n jaargeld wat gebaseer is op sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens en wat as 'n persentasie van genoemde gemiddelde ten opsigte van elke jaar pensioengewende diens bereken word ooreenkomstig onderstaande skaal:—

| <i>Leeftyd laaste verjaarsdag op datum van uitdiens-treding of ontslag.</i> | <i>Persentasie van jaarlikse gemiddelde pensioengewende verdienste.</i> |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 60                                                                          | 1.05                                                                    |
| 61                                                                          | 1.09                                                                    |
| 62                                                                          | 1.13                                                                    |
| 63                                                                          | 1.17                                                                    |
| 64                                                                          | 1.21                                                                    |
| 65 en ouer                                                                  | 1.25                                                                    |

- (b) 'n gratifikasie wat gebaseer is op genoemde gemiddelde en wat as 'n persentasie van sodanige gemiddelde ten opsigte van elke jaar van sy pensioengewende diens bereken word ooreenkomstig onderstaande skaal:—

| <i>Leeftyd laaste verjaarsdag op datum van uitdiens-treding of ontslag.</i> | <i>Persentasie van jaarlikse gemiddelde pensioengewende verdienste.</i> |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 60                                                                          | 4.20                                                                    |
| 61                                                                          | 4.36                                                                    |
| 62                                                                          | 4.52                                                                    |
| 63                                                                          | 4.68                                                                    |
| 64                                                                          | 4.84                                                                    |
| 65 en ouer                                                                  | 5.00                                                                    |

Met dien verstande dat, indien 'n lid op die datum van sy uitdiens-treding of ontslag drie maande ouer of meer as drie maande ouer is as die leeftyd wat hy op sy laaste verjaarsdag bereik het, die persentasie in subparagraaf (a) bedoel, met 0.01 persent en die persentasie in subparagraaf (b) bedoel met 0.04 persent verhoog word vir elke drie voltooide sodanige drie maande.

(2) 'n Lid, uitgesonderd 'n versekerde lid, wat minstens tien jaar pensioengewende diens voltooi het en wat, voordat hy die pensioenleeftyd bereik, as gevolg van 'n mediese verslag wat ooreenkomstig die bepalinge van paragraaf (1) van regulasie 18 verstrekk is, uit die diens van 'n raad tree of ontslaan word, is geregtig op—

- (a) 'n jaargeld wat gebaseer is op sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens en wat bereken word teen 1.05 persent van daardie gemiddelde vir elke jaar van sy pensioengewende diens; en
- (b) 'n gratifikasie wat gebaseer is op genoemde gemiddelde en wat bereken word teen 4.20 persent van sodanige gemiddelde ten opsigte van elke jaar van sy pensioengewende diens: Met dien verstande dat daar, vir die berekening van sodanige jaargeld en gratifikasie, maar nie vir die bepaling van sy jaarlikse gemiddelde pensioengewende verdienste nie, by sy pensioengewende diens 'n tydperk bygevoeg word wat gelyk is aan die helfte van die tydperk wat die pensioenleeftyd hoër is as sy leeftyd op die datum van sy uitdiens-treding of ontslag.

VERSLAG VAN MEDIESE RAAD.

18. (1) 'n Lid wat weens swak gesondheid uit diens tree, afgedank of ontslaan word, is nie op 'n gratifikasie kragtens regulasie 16 of regulasie 27 of op 'n jaargeld en gratifikasie kragtens paragraaf (2) van regulasie 17 of

ANNUITY AND GRATUITY AFTER TEN YEARS'  
PENSIONABLE SERVICE.

17. (1) A member who retires or is retired from the service of a council in terms of regulation 15 or who, after he has reached the pensionable age but before he has reached the retirement age, is retired or discharged as a result of a medical report furnished in terms of paragraph (1) of regulation 18, and who, in either case, has had not less than ten years' pensionable service, shall be entitled to—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and shall be calculated as a percentage of the said average in respect of each year of pensionable service according to the following scale:—

| <i>Age Last Birthday at Date of Retirement or Discharge.</i> | <i>Percentage of Annual average of Pensionable Emoluments.</i> |
|--------------------------------------------------------------|----------------------------------------------------------------|
| 60                                                           | 1.05                                                           |
| 61                                                           | 1.09                                                           |
| 62                                                           | 1.13                                                           |
| 63                                                           | 1.17                                                           |
| 64                                                           | 1.21                                                           |
| 65 and over                                                  | 1.25                                                           |

- (b) a gratuity which shall be based on the said average and shall be calculated at a percentage of such average in respect of each year of his pensionable service according to the following scale:—

| <i>Age Last Birthday at Date of Retirement or Discharge.</i> | <i>Percentage of Annual average of Pensionable Emoluments.</i> |
|--------------------------------------------------------------|----------------------------------------------------------------|
| 60                                                           | 4.20                                                           |
| 61                                                           | 4.36                                                           |
| 62                                                           | 4.52                                                           |
| 63                                                           | 4.68                                                           |
| 64                                                           | 4.84                                                           |
| 65 and over                                                  | 5.00                                                           |

Provided that if a member's age at the date of his retirement or discharge exceeds his age last birthday by a period of three months or more, for every three completed months of such period the percentage referred to in sub-paragraph (a) shall be increased by 0.01 per cent and the percentage referred to in sub-paragraph (b) shall be increased by 0.04 per cent.

(2) A member, other than an insured member, who has had not less than ten years' pensionable service and who, before he reaches the pensionable age, retires or is retired or discharged from the service of a council as a result of a medical report furnished in terms of paragraph (1) of regulation 18 shall be entitled to—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and shall be calculated at the rate of 1.05 per cent of such average for each year of his pensionable service; and
- (b) a gratuity which shall be based on the said average and shall be calculated at the rate of 4.20 per cent of such average in respect of each year of his pensionable service:

Provided that there shall be added to his pensionable service, not for the purpose of determining the annual average of his pensionable emoluments, but for the purpose of calculating such annuity and gratuity, a period equal to one-half of the period by which the pensionable age exceeds his age at the date of his retirement or discharge.

MEDICAL BOARD REPORT.

18. (1) A member who retires, is retired or discharged on account of ill-health shall not be entitled to a gratuity in terms of regulation 16 or regulation 27 or an annuity and gratuity in terms of paragraph (2) of regulation 17 or

regulasie 28 geregtig nie tensy 'n mediese raad bestaande uit minstens twee geneeshere deur 'n raad benoem, 'n volledige verslag indien in 'n vorm deur die Sekretaris voorgeskryf en tensy daardie verslag toon dat genoemde lid permanent ongeskik is om die werksaamhede van sy amp of pos doeltreffend te verrig en dat die swak gesondheid nie aan die lid se eie toedoen te wyte is nie.

(2) Indien 'n lid om gesondheidsredes uit diens tree of afgedank of ontslaan word onder omstandighede wat die indiening van 'n mediese verslag soos in paragraaf (1) bedoel, uitsluit, word hy behandel asof hy vrywillig uit diens van 'n raad bedank het.

#### VOORDELE BY BEDANKING OF ONTSLAG.

19. (1) Behoudens die bepalings van regulasie 11, word daar aan 'n lid (uitgesonderd 'n versekerde lid) wat vrywillig bedank of wat, in die geval van 'n vroulike lid, weens haar huwelik ontslaan word, uit die fonds 'n bedrag betaal wat gelyk is aan sy eie bydraes tesame met twee persent van sodanige bedrag vir elke voltooide jaar pensioengewende diens, en daarbenewens word aan hom 'n bedrag betaal wat gelyk is aan sy addisionele meerdere bydraes: Met dien verstande dat, in die geval van 'n lid wat kragtens paragraaf (1) of (5) van regulasie 24 'n keuse gedoen het, die betaalbare bedrag nie minder mag wees nie as die totaal van—

- (a) die bedrag wat uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteits-inrigtings, na gelang van die geval, aan hom betaalbaar sou gewees het indien hy gekies het om nie lid van die fonds te word nie en op die dag onmiddellik voor die dag waarop hy lid van die fonds geword het, vrywillig bedank het; en
- (b) die bydraes wat hy aan die fonds betaal het ten opsigte van die tydperk van sy pensioengewende diens op en na genoemde datum, tesame met twee persent van die totaal van daardie bydraes vir elke voltooide jaar van sodanige pensioengewende diens.

(2) Indien 'n lid, uitgesonderd 'n versekerde lid, weens wangedrag uit diens van 'n raad ontslaan word of bedank of gevra word om te bedank ten einde 'n aanklag van wangedrag te vermy, en aldus bedank, of bedank of gevra word om te bedank ten einde ontslag weens wangedrag te vermy en aldus bedank, of uit sodanige diens ontslaan word om 'n rede wat nie spesifiek in hierdie regulasies genoem word nie, word daar 'n bedrag gelyk aan sy eie bydraes tesame met alle addisionele meerdere bydraes aan hom betaal.

#### VOORDELE BY DIE AFSTERWE VAN 'N LID.

20. (1) Indien 'n manlike lid wat nog nie die pensioenleeftyd bereik het nie, voor sy uitdienstreding of ontslag uit diens van 'n raad te sterwe kom, word daar behoudens die bepalings van paragrawe (2) en (9), aan sy weduwee betaal—

- (a) 'n jaargeld wat gebaseer is op sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens of die hele tydperk van daardie diens, naamlik die kortste tydperk, en wat bereken word teen 525 persent van sodanige gemiddelde vir elke jaar pensioengewende diens; en
- (b) 'n gratifikasie wat gebaseer is op genoemde gemiddelde en bereken word teen 4·20 persent van sodanige gemiddelde ten opsigte van elke jaar pensioengewende diens: Met dien verstande dat indien sodanige lid ook oorleef word deur—
  - (i) 'n voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders wat nie in die weduwee se sorg en bewaring is nie;
  - (ii) sodanige voordeelgeregtigde kind of kinders en 'n afhanklike; of
  - (iii) 'n afhanklike;

genoemde gratifikasie gedeeltelik aan die weduwee en gedeeltelik aan sodanige kind, kinders of afhanklike betaal mag word en tussen hulle verdeel moet word op dié wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, mag bepaal.

regulation 28 unless a medical board consisting of at least two medical practitioners nominated by a council submits a detailed report in a form prescribed by the Secretary and unless such report indicates that the said member is permanently unfit to perform efficiently the duties of his office or post and that the ill-health has been occasioned without the member's own default.

(2) If a member retires or is retired or discharged on account of ill-health in circumstances which preclude the submission of the medical report referred to in paragraph (1) he shall be dealt with as if he had voluntarily resigned from the service of a council.

#### BENEFITS ON RESIGNATION OR DISCHARGE.

19. (1) Subject to the provisions of regulation 11 a member (other than an insured member) who voluntarily resigns or who, in the case of a female member, is discharged on account of her marriage, shall be paid from the fund an amount equal to his own contributions together with two per cent of such amount for each completed year of pensionable service and shall further be paid an amount equal to his additional excess contributions: Provided that in the case of a member who made an election in terms of paragraph (1) or (5) of regulation 24 the amount payable shall not be less than the sum of—

- (a) the amount which would have been payable to him from the technical colleges provident fund or the university institutions provident fund as the case may be, had he elected not to become a member of the fund and had voluntarily resigned on the day immediately preceding the date on which he became a member of the fund; and
- (b) the contributions paid by him to the fund in respect of the period of his pensionable service on and after the said date, together with two per cent of the total of those contributions for each completed year of such pensionable service.

(2) If a member, other than an insured member, is discharged from the service of a council on account of misconduct or resigns or is called upon to resign to avoid a charge of misconduct and does so resign, or resigns or is called upon to resign to avoid discharge for misconduct and does so resign, or is discharged therefrom for a reason not specifically mentioned in these regulations, he shall be paid an amount equal to his own contributions together with any additional excess contributions.

#### BENEFITS ON DEATH OF A MEMBER.

20. (1) If a male member who has not attained the pensionable age dies before his retirement or discharge from the service of a council, there shall, subject to the provisions of paragraphs (2) and (9), be paid to his widow—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service or for the whole period of his pensionable service, whichever is the lesser period, and which shall be calculated at the rate of 525 per cent of such average for each year of pensionable service; and
- (b) a gratuity which shall be based on the said average and shall be calculated at the rate of 4·20 per cent of such average in respect of each year of pensionable service: Provided that if such member is also survived by—
  - (i) an eligible child or two or more eligible children who is or who are not in the care and custody of the widow;
  - (ii) such eligible child or children and by a dependant; or
  - (iii) a dependant,

the said gratuity may be paid partly to the widow and partly to such child, children or dependant and shall be allocated amongst them in such manner as the Secretary, after consultation with the council concerned, may determine.

(2) By die tydperk van pensioengewende diens soos in paragraaf (1) bedoel, word daar vir die berekening van die jaargeld en gratifikasie waarop die weduwee geregtig is, maar nie vir die bepaling van die lid se jaarlikse gemiddelde pensioengewende verdienste nie, 'n tydperk gevoeg wat gelyk is aan die tydperk wat die pensioenleef-tyd hoër is as sy leeftyd op die datum van sy afsterwe.

(3) Indien 'n manlike lid wat die pensioenleef-tyd bereik het, voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom, word daar behoudens die bepalings van paragraaf (9), aan sy weduwee betaal—

- (a) 'n jaargeld wat gebaseer is op sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens of die hele tydperk van sy pensioengewende diens, naamlik die kortste tydperk, en wat teen 'n persentasie van genoemde gemiddelde bereken word ten opsigte van elke jaar van sy pensioengewende diens ooreenkomstig onderstaande skaal:—

| <i>Lid se leeftyd laaste verjaarsdag op datum van afsterwe.</i> | <i>Persentasie van jaarlikse gemiddelde pensioengewende verdienste.</i> |
|-----------------------------------------------------------------|-------------------------------------------------------------------------|
| 60                                                              | 0.525                                                                   |
| 61                                                              | 0.545                                                                   |
| 62                                                              | 0.565                                                                   |
| 63                                                              | 0.585                                                                   |
| 64                                                              | 0.605                                                                   |
| 65 en ouer                                                      | 0.625                                                                   |

- (b) 'n gratifikasie wat gebaseer is op genoemde gemiddelde en wat teen 'n persentasie van sodanige gemiddelde bereken word ten opsigte van elke jaar van sy pensioengewende diens ooreenkomstig onderstaande skaal:—

| <i>Lid se leeftyd laaste verjaarsdag op datum van afsterwe.</i> | <i>Persentasie van jaarlikse gemiddelde pensioengewende verdienste.</i> |
|-----------------------------------------------------------------|-------------------------------------------------------------------------|
| 60                                                              | 4.20                                                                    |
| 61                                                              | 4.36                                                                    |
| 62                                                              | 4.52                                                                    |
| 63                                                              | 4.68                                                                    |
| 64                                                              | 4.84                                                                    |
| 65 en ouer                                                      | 5.00                                                                    |

Met dien verstande dat, indien 'n lid op die datum van sy afsterwe drie maande ouer of meer as drie maande ouer is as die leeftyd wat hy op sy laaste verjaarsdag bereik het, die persentasie in subparagraaf (a) bedoel, met 0.005 persent en die persentasie in subparagraaf (b) bedoel, met 0.04 persent verhoog word vir elke voltooide sodanige drie maande: Met dien verstande voorts dat indien sodanige lid ook oorleef word deur—

- (i) 'n voordeeltgeregtigde kind of twee of meer voordeeltgeregtigde kinders wat nie in die weduwee se sorg en bewaring is nie;
- (ii) sodanige voordeeltgeregtigde kind of kinders en 'n afhanklike; of
- (iii) 'n afhanklike;

genoemde gratifikasie gedeeltelik aan die weduwee en gedeeltelik aan sodanige kind, kinders of afhanklike betaal mag word en tussen hulle verdeel moet word op dié wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, mag bepaal.

(4) Indien 'n manlike lid na sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom, word daar, behoudens die bepalings van paragraaf (9), 'n jaargeld gelyk aan die helfte van die jaargeld aan hom betaalbaar kragtens regulasie 17, aan sy weduwee betaal.

(5) Indien 'n manlike lid voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom en, benewens 'n weduwee, een voordeeltgeregtigde kind of twee of meer voordeeltgeregtigde kinders nalaat, word die volgende behoudens die bepalings van paragrafe (10) en (11) betaal:—

- (a) Terwyl daar slegs een voordeeltgeregtigde kind is, ten opsigte van daardie kind 'n jaarlikse voordeel gelyk aan een-derde van die jaargeld wat kragtens paragraaf (1) of paragraaf (3), na gelang van die geval, aan die weduwee betaalbaar is;

(2) There shall be added to the period of pensionable service referred to in paragraph (1), not for the purpose of determining the annual average of the member's pensionable emoluments but for the purpose of calculating the annuity and gratuity to which the widow shall be entitled, a period equal to the period by which the pensionable age exceeds his age at the date of his death.

(3) If a male member who has attained the pensionable age dies before his retirement or discharge from the service of a council, there shall, subject to the provisions of paragraph (9), be paid to his widow—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service, or for the whole period of his pensionable service, whichever is the lesser period, and shall be calculated at a percentage of the said average in respect of each year of pensionable service according to the following scale:—

| <i>Member's Age Last Birthday at Date of Death.</i> | <i>Percentage of Annual Average of Pensionable Emoluments.</i> |
|-----------------------------------------------------|----------------------------------------------------------------|
| 60                                                  | 0.525                                                          |
| 61                                                  | 0.545                                                          |
| 62                                                  | 0.565                                                          |
| 63                                                  | 0.585                                                          |
| 64                                                  | 0.605                                                          |
| 65 or over                                          | 0.625                                                          |

- (b) a gratuity which shall be based on the said average and shall be calculated at a percentage of such average in respect of each year of his pensionable service according to the following scale:—

| <i>Member's Age Last Birthday at Date of Death.</i> | <i>Percentage of Annual Average of Pensionable Emoluments.</i> |
|-----------------------------------------------------|----------------------------------------------------------------|
| 60                                                  | 4.20                                                           |
| 61                                                  | 4.36                                                           |
| 62                                                  | 4.52                                                           |
| 63                                                  | 4.68                                                           |
| 64                                                  | 4.84                                                           |
| 65 or over                                          | 5.00                                                           |

Provided that if a member's age at the date of his death exceeds his age last birthday by a period of three months or more, for every three completed months of such period the percentage referred to in sub-paragraph (a) shall be increased by 0.005 per cent and the percentage referred to in sub-paragraph (b) shall be increased by 0.04 per cent: Provided further that if such member is also survived by—

- (i) an eligible child or two or more eligible children who is or who are not in the care and custody of the widow;
- (ii) such eligible child or children and by a dependant; or
- (iii) a dependant,

the said gratuity may be paid partly to the widow and partly to such child, children or dependant and shall be allocated amongst them in such manner as the Secretary, after consultation with the council concerned, may determine.

(4) If a male member dies after his retirement or discharge from the service of a council there shall, subject to the provisions of paragraph (9) be paid to his widow an annuity equal to one-half of the annuity payable to him under the provisions of regulation 17.

(5) If a male member dies before his retirement or discharge from the service of a council and leaves, in addition to a widow, one eligible child, or two or more eligible children, there shall, subject to the provisions of paragraphs (10) and (11) be paid—

- (a) while there is only one eligible child, in respect of that child an annual benefit equal to one-third of the annuity payable to the widow in terms of paragraph (1) or paragraph (3) as the case may be.

(b) terwyl daar twee of meer voordeelgeregtigde kinders is, ten opsigte van daardie kinders 'n jaarlikse voordeel gelyk aan twee derdes van genoemde jaargeld.

(6) Indien 'n manlike lid na sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom en benewens 'n weduwee een voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders nalaat, word die volgende behoudens die bepalings van paragrawe (10) en (11) betaal:—

(a) Terwyl daar slegs een voordeelgeregtigde kind is, ten opsigte van daardie kind 'n jaarlikse voordeel gelyk aan een derde van die jaargeld wat kragtens paragraaf (4) aan die weduwee betaalbaar is;

(b) terwyl daar twee of meer voordeelgeregtigde kinders is, ten opsigte van daardie kinders 'n jaarlikse voordeel gelyk aan twee derdes van genoemde jaargeld.

(7) (a) Indien 'n manlike lid te sterwe kom en nie deur 'n weduwee oorleef word nie maar wel deur een voordeelgeregtigde kind of deur twee of meer voordeelgeregtigde kinders, word daar, behoudens die bepalings van paragrawe (10) en (11), ten opsigte van sodanige kind of kinders 'n jaarlikse voordeel betaal wat gelyk is aan dubbel die bedrag van die jaarlikse voordeel wat ooreenkomstig paragrawe (5) of (6), na gelang die geval, betaalbaar sou gewees het indien die lid deur 'n weduwee oorleef is.

(b) Indien genoemde lid voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom, mag daar, benewens sodanige jaarlikse voordeel, ten behoeve van sodanige voordeelgeregtigde kind of kinders 'n gratifikasie betaal word wat nie groter is nie as die gratifikasie wat kragtens paragrawe (1) en (2) of paragraaf (3), na gelang van die geval, aan genoemde lid se weduwee betaalbaar sou gewees het as hy op die datum van sy afsterwe getroud was: Met dien verstande dat—

(i) indien sodanige lid oorleef word deur een of meer voordeelgeregtigde kinders, genoemde gratifikasie tussen hulle verdeel mag word op 'n wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, mag bepaal;

(ii) indien sodanige lid benewens een voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders deur 'n afhanklike oorleef word, genoemde gratifikasie gedeeltelik aan sodanige kind of kinders en gedeeltelik aan genoemde afhanklike betaal mag word en tussen hulle verdeel moet word op 'n wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, mag bepaal.

(8) (a) Indien 'n vroulike lid voor haar uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom en die Sekretaris, met inagneming van die getuienis aan hom voorgelê en na oorlegpleging met die betrokke raad, daarvan oortuig is dat sodanige lid gereeld tot die onderhoud van 'n voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders bygedra het maar nie ten volle vir die onderhoud van sodanige kind of kinders verantwoordelik was nie, word die volgende behoudens die bepalings van paragrawe (10) en (11) betaal:—

(i) Terwyl daar slegs een voordeelgeregtigde kind is, ten opsigte van daardie kind 'n jaarlikse voordeel wat gelyk is aan een derde van 'n jaargeld bereken ooreenkomstig die bepalings van paragrawe (1) en (2) van hierdie regulasie indien genoemde lid voor bereiking van die pensioenleeftyd te sterwe kom, of ooreenkomstig die bepalings van paragraaf (3) indien sodanige lid na bereiking van die pensioenleeftyd te sterwe kom;

(ii) terwyl daar twee of meer voordeelgeregtigde kinders is, ten opsigte van daardie kinders 'n jaarlikse voordeel wat gelyk is aan twee derdes van sodanige jaargeld.

(b) while there are two or more eligible children, in respect of those children an annual benefit equal to two-thirds of the said annuity.

(6) If a male member dies, after his retirement or discharge from the service of a council and leaves, in addition to a widow, one eligible child, or two or more eligible children, there shall, subject to the provisions of paragraphs (10) and (11), be paid—

(a) while there is only one eligible child, in respect of that child an annual benefit equal to one-third of the annuity payable to the widow in terms of paragraph (4);

(b) while there are two or more eligible children, in respect of those children an annual benefit equal to two-thirds of the said annuity.

(7) (a) If a male member dies and is not survived by a widow, but is survived by one eligible child or by two or more eligible children, there shall, subject to the provisions of paragraphs (10) and (11) be paid in respect of such child or in respect of such children, an annual benefit equal to twice the amount of the annual benefit which would have been payable in accordance with paragraph (5) or (6), as the case may be, had the member been survived by a widow.

(b) If the said member dies before his retirement or discharge from the service of a council, there may, in addition to such annual benefit, be paid, on behalf of such eligible child or such eligible children, a gratuity not exceeding the gratuity which would have been paid to the said member's widow in terms of paragraph (1) and (2) or paragraph (3) as the case may be, had he been married at the date of his death: Provided that—

(i) if such member is survived by two or more eligible children the said gratuity may be allocated amongst them in such manner as the Secretary, after consultation with the council concerned, may determine;

(ii) if in addition to an eligible child or two or more eligible children such member is survived by a dependant, the said gratuity may be paid partly to such child or children and partly to the said dependant and shall be allocated amongst them in such manner as the Secretary, after consultation with the council concerned, may determine.

(8) (a) If a female member dies before her retirement or discharge from the service of a council and the Secretary, having regard to the evidence submitted and after consultation with the council concerned, is satisfied that such member regularly contributed towards the maintenance of an eligible child or two or more eligible children but was not wholly responsible for the maintenance of such child or children, there shall, subject to the provisions of paragraphs (10) and (11) be paid—

(i) while there is only one eligible child, in respect of that child an annual benefit equal to one-third of an annuity calculated, if the said member dies before attaining the pensionable age, in accordance with the provisions of paragraphs (1) and (2) of this regulation, or if such member dies after attaining the pensionable age, in accordance with the provisions of paragraph (3);

(ii) while there are two or more eligible children, in respect of those children an annual benefit equal to two-thirds of such annuity.

(b) Indien die Sekretaris daarvan oortuig is dat 'n lid wat in subparagraaf (a) bedoel word, ten volle verantwoordelik was vir die gereelde onderhoud van sodanige kind of kinders, is die jaarlikse voordeel wat aldus betaalbaar is, gelyk aan dubbel die relevante voordeel wat in genoemde subparagraaf bedoel word.

(c) Indien 'n vroulike lid te sterwe kom na haar uitdienststreding of ontslag uit diens van 'n raad en die Sekretaris daarvan oortuig is dat sodanige lid na haar uitdienststreding of ontslag gereeld tot die onderhoud van 'n voordeeligere kind of twee of meer voordeeligere kinders bygedra het, maar nie ten volle vir die onderhoud van sodanige kind of kinders verantwoordelik was nie, word die volgende behoudens die bepalings van paragrafe (10) en (11) betaal:—

- (i) terwyl daar slegs een voordeeligere kind is, ten opsigte van daardie kind 'n jaarlikse voordeel wat gelyk is aan een sesde van die jaargeld wat kragtens die bepalings van regulasie 17 aan genoemde lid betaalbaar was;
- (ii) terwyl daar twee of meer voordeeligere kinders is, ten opsigte van daardie kinders 'n jaarlikse voordeel wat gelyk is aan een derde van genoemde jaargeld.

(d) Indien die Sekretaris daarvan oortuig is dat 'n lid wat in paragraaf (c) bedoel word, na haar uitdienststreding of ontslag ten volle vir die gereelde onderhoud van sodanige kind of kinders verantwoordelik was, is die jaarlikse voordeel wat aldus betaalbaar is, gelyk aan dubbel die relevante voordeel soos in genoemde subparagraaf bedoel.

(e) Indien 'n vroulike lid voor haar uitdienststreding of afdanking uit die diens van 'n raad te sterwe kom, kan daar, benewens 'n jaarlikse voordeel wat ingevolge die bepalings van subparagraaf (a) of (b) betaal word, ten behoeve van sodanige voordeeligere kind of voordeeligere kinders 'n gratifikasie wat nie meer is nie as 'n gratifikasie wat ooreenkomstig die bepalings van paragrafe (1) en (2) van hierdie regulasie bereken is, betaal word indien genoemde lid voor bereiking van die pensioenleeftyd te sterwe kom, of wat ooreenkomstig die bepalings van paragraaf (3) bereken is indien sodanige lid na bereiking van die pensioenleeftyd te sterwe kom: Met dien verstande dat—

- (i) indien sodanige lid deur twee of meer voordeeligere kinders oorleef word, genoemde gratifikasie tussen hulle verdeel mag word op 'n wyse dat die Sekretaris, na oorlegpleging met die betrokke raad, mag bepaal;
- (ii) indien sodanige lid, benewens 'n voordeeligere kind of twee of meer voordeeligere kinders, ook deur 'n afhanklike oorleef word, genoemde gratifikasie gedeeltelik aan sodanige kind of kinders en gedeeltelik aan genoemde afhanklike betaal mag word en tussen hulle verdeel moet word op 'n wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, mag bepaal.

(9) (a) 'n Jaargeld wat ingevolge paragraaf (1), (3) of (4) van hierdie regulasie aan 'n weduwee betaalbaar is, vervalt wanneer sy te sterwe kom of weer trou.

(b) Indien 'n weduwee wat in ontvangs van so 'n jaargeld is, te sterwe kom en oorleef word deur 'n voordeeligere kind of voordeeligere kinders ten opsigte van wie 'n jaarlikse voordeel ingevolge paragraaf (5) of (6) betaalbaar is, word die bedrag van sodanige jaarlikse voordeel met ingang van die dag onmiddellik na die dag van haar afsterwe vermeerder tot dubbel die skaal waarvolgens dit of vir een voordeeligere kind of vir twee of meer voordeeligere kinders, na gelang van die geval, betaalbaar sou gewees het as sy nie te sterwe gekom het nie.

(b) If the Secretary is satisfied that a member referred to in sub-paragraph (a) was wholly responsible for the regular maintenance of such a child or such children, the annual benefit so payable shall be equal to twice the amount of the relevant benefit referred to in the said sub-paragraph.

(c) If a female member dies after her retirement or discharge from the service of a council and the Secretary is satisfied that such member, after her retirement or discharge, regularly contributed towards the maintenance of an eligible child or two or more eligible children but was not wholly responsible for the maintenance of such child or children, there shall subject to the provisions of paragraphs (10) and (11) be paid—

- (i) while there is only one eligible child in respect of that child an annual benefit equal to one-sixth of the annuity payable to the said member, under the provisions of regulation 17;
- (ii) while there are two or more eligible children, in respect of those children an annual benefit equal to one-third of the said annuity.

(d) If the Secretary is satisfied that after her retirement or discharge a member referred to in sub-paragraph (c) was wholly responsible for the regular maintenance of such a child or such children the annual benefit so payable shall be equal to twice the relevant benefit referred to in the said sub-paragraph.

(e) If a female member dies before her retirement or discharge from the service of a council, there may, in addition to an annual benefit paid in terms of sub-paragraph (a) or (b), be paid, on behalf of such eligible child or such eligible children, a gratuity not exceeding a gratuity calculated, if the said member dies before attaining the pensionable age, in accordance with the provisions of paragraphs (1) and (2) of this regulation or, if such member dies after attaining the pensionable age, in accordance with paragraph (3): Provided that—

- (i) if such member is survived by two or more eligible children the said gratuity may be allocated amongst them in such manner as the Secretary, after consultation with the council concerned, may determine;
- (ii) if in addition to an eligible child or two or more eligible children, such member is survived by a dependant the said gratuity may be paid partly to such child or children and partly to the said dependant and shall be allocated amongst them in such manner as the Secretary, after consultation with the council concerned, may determine.

(9) (a) Any annuity payable to a widow in terms of paragraph (1), (3) or (4) of this regulation shall cease on her death or remarriage.

(b) If a widow who is in receipt of such an annuity dies and is survived by an eligible child or eligible children in respect of whom an annual benefit is payable in terms of paragraph (5) or (6) the amount of such annual benefit shall be increased, as from the day immediately following the day of her death, to twice the rate at which it would have been payable, either for one eligible child or for two or more eligible children, as the case may be, had she not died.

(c) Indien genoemde weduwee weer troue en daar 'n voordeelgeregtigde kind of voordeelgeregtigde kinders is ten opsigte van wie 'n jaarlikse voordeel ingevolge paragraaf (5) of (6) betaalbaar is, word daar aangehou om sodanige jaarlikse voordeel te betaal volgens die skaal waarvolgens dit betaal sou gewees het as die weduwee nie weer getrou het nie.

(10) 'n Kind is nie voordeelgeregtig nie of hou op om voordeelgeregtig te wees ten opsigte van die voordele wat ooreenkomstig hierdie regulasie betaalbaar is—

(a) wanneer hy die leeftyd van agtien jaar bereik of voor dié leeftyd trou; of

(b) indien hy na die mening van die Sekretaris self-onderhoudend is of geword het.

(11) (a) Waar daar voordeelgeregtigde kinders uit meer as een huwelik is en nie al die kinders in die bewaring en sorg van die weduwee is nie of as sodanige kinders in die geval van 'n vroulike lid, onmiddellik voor haar afsterwe nie in haar bewaring of sorg was nie, mag die Sekretaris die jaarlikse voordeel wat ooreenkomstig hierdie regulasie toegestaan is, onder genoemde kinders verdeel in dié verhouding wat hy mag bepaal: Met dien verstande dat, indien 'n kind te eniger tyd ophou om op die jaarlikse voordeel geregtig te wees, die Sekretaris genoemde voordeel onder die oorblywende kinders mag herverdeel.

(b) Die Sekretaris mag, indien hy van mening is dat dit wenslik is om dit te doen, te eniger tyd die betaling van die hele jaarlikse voordeel wat ten opsigte van 'n kind of ten opsigte van twee of meer kinders betaalbaar is, of 'n gedeelte daarvan, opskort, gelas dat ondersoek ingestel word na die omstandighede en welsyn van die kind of kinders en, met inagneming van die bepalinge van paragraaf (10), die toekenning van die voordeel in hersiening neem en dié stappe doen wat hy dienstig ag om die behoorlike administrasie van die voordeel te verseker: Met dien verstande dat enige gedeelte van die voordeel wat gedurende die tydperk van opskorting betaalbaar was en wat teruggehou is, by die hervatting van die betaling betaal moet word.

(12) Indien 'n lid, uitgesonderd 'n versekerde lid, voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom en nie deur 'n weduwee of 'n voordeelgeregtigde kind oorleef word nie, mag daar, behoudens die bepalinge van paragraaf (14), 'n gratifikasie gelyk aan dubbel die bedrag van sy eie bydraes, aan of ten bate van dié afhanklikes van hom wat die Sekretaris mag bepaal, betaal word.

(13) Indien 'n lid binne vyf jaar na die datum van sy uitdienstreding of ontslag te sterwe kom en nie deur 'n weduwee of voordeelgeregtigde kind oorleef word nie, mag daar, behoudens die bepalinge van paragraaf (14), aan dié afhanklikes van hom wat die Sekretaris mag bepaal, 'n gratifikasie betaal word wat gelyk is aan die som van die jaargeld wat vanaf die dag na die dag van sy dood tot by die verstryking van genoemde vyf jaar aan hom betaal sou gewees het indien hy nie te sterwe gekom het nie.

(14) Die gratifikasies in paragrawe (12) en (13) bedoel, kan onder genoemde afhanklikes verdeel word op dié wyse en in dié verhouding wat die Sekretaris, in oorleg met die betrokke raad, mag bepaal, en die Sekretaris mag die gratifikasie of 'n gedeelte van die gratifikasie aldus verdeel, verminder in 'n mate wat hy, met inagneming van die omstandighede van die afhanklikes, redelik ag: Met dien verstande dat, in die geval van 'n gratifikasie wat kragtens paragraaf (12) betaalbaar is, sodanige gratifikasie nie verminder mag word nie tot 'n bedrag wat kleiner is as die bedrag wat aan die boedel betaal sou gewees het as die bepalinge van paragraaf (16) van toepassing was.

(c) If the said widow remarries and there is an eligible child or eligible children in respect of whom an annual benefit is payable in terms of paragraph (5) or (6) such annual benefit shall continue to be paid at the rate at which it would have been paid had the widow not remarried.

(10) A child shall not be eligible or shall cease to be eligible for the benefits payable in accordance with this regulation—

(a) on attaining the age of eighteen years or on prior marriage; or

(b) if in the Secretary's opinion the child is or has become self-supporting.

(11) (a) Where there are eligible children of more than one marriage and not all such children are in the custody and care of the widow, or, in the case of a female member, if such children, immediately prior to her death were not in her custody and care, the Secretary may allocate the annual benefit granted in terms of this regulation amongst the said children in such proportion as he may determine: Provided that if at any time a child ceases to be eligible for the annual benefit, the Secretary may reallocate the said benefit amongst the remaining children.

(b) The Secretary may, at any time if he is of the opinion that it is desirable to do so, suspend payment of part or the whole of an annual benefit payable in respect of a child or in respect of two or more children, direct that enquiries be made into the circumstances and well-being of the child or children and, having regard to the provisions of paragraph (1) review the award and take such action as he may deem fit to ensure proper administration of the benefit: Provided that any portion of the benefit which was payable during the period of suspension and which was withheld shall be paid on resumption of payment of the benefit.

(12) If a member, other than an insured member dies before his retirement or discharge from the service of a council and is not survived by a widow or an eligible child, there may, subject to the provisions of paragraph (14), be paid to or for the benefit of such of his dependants as the Secretary may determine a gratuity equal to twice the amount of his own contributions.

(13) If a member dies within five years after the date of his retirement or discharge on an annuity and is not survived by a widow or an eligible child, there may, subject to the provisions of paragraph (14), be paid to or for the benefit of such of his dependants as the Secretary may determine, a gratuity equal to the aggregate amount of the annuity which would have been paid to the member from the day following the day of his death until the expiry of the said five years had he not died.

(14) The gratuities referred to in paragraphs (12) and (13) may be allocated amongst the said dependants in such manner and in such proportion as the Secretary, in consultation with the council concerned, may determine and the Secretary may reduce the gratuity or any portion of the gratuity so allocated to an extent which, having regard to the circumstances of the dependants, appears to him to be reasonable: Provided that in the case of a gratuity payable in terms of paragraph (12) such gratuity shall not be reduced to an amount less than the amount which would have been paid to the estate had the provisions of paragraph (16) been applicable.

(15) Ondanks die bepalings van paragraaf (7) of (8) van hierdie regulasie, mag die totaal van die voordele wat ingevolge subparagrafe (a) en (b) van paragraaf (7) of subparagrafe (a), (b) en (c) van paragraaf (8), na gelang van die geval, betaal of verskuldig is, nie minder wees nie as die gratifikasie wat ten opsigte van die betrokke voordeelgeregtigde kind of voordeelgeregtigde kinders betaal sou gewees het as die bepalings van paragraaf (12) in plaas daarvan van toepassing was.

(16) Indien 'n lid, uitgesonderd 'n versekerde lid, voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom sonder dat hy 'n weduwee, 'n voordeelgeregtigde kind of 'n afhanklike nalaat, word 'n bedrag gelyk aan sy eie bydraes, tesame met enige addisionele meerdere bydraes, aan sy boedel betaal.

LEDE WAT NA OF IN 'N ANDER PENSIOENGEWENDE DIENS OORGEPLAAS OF AANGESTEL WORD.

21. (1) Indien 'n lid, uitgesonderd 'n versekerde lid, sonder 'n onderbreking in die kontinuïteit van sy diens of, behoudens 'n bepaling in enige ander wet vervat, met 'n onderbreking in die kontinuïteit van sy diens wat deur die Sekretaris as nodig en redelik onder die omstandighede goedgekeur word, oorgeplaas word na of aangestel word in 'n diens ten opsigte waarvan hy lid word van—

- (a) 'n pensioen- of voorsorgfonds wat by wet ingestel is en deur die Regering geadministreer word;
- (b) 'n pensioenfonds wat by wet ingestel is en deur die Spoorwegadministrasie geadministreer word;
- (c) 'n ander pensioen- of voorsorgfonds of 'n ander skema wat vir 'n uitdienstredingspensioen voorsiening maak, hetsy in of buite die Republiek, wat nie 'n fonds of skema is wat in subparagraaf (a) of (b) bedoel word nie en wat vir die toepassing van hierdie regulasie deur die Minister erken word;

en toegelaat word en verkies om tot sodanige pensioen- of voorsorgfonds of sodanige ander -skema ten opsigte van sy vorige pensioengewende diens as lid van die fonds by te dra, word daar, behoudens die bepalings van paragrafe (2), (3) en (6), uit die fonds aan sodanige ander pensioen- of voorsorgfonds of -skema 'n bedrag betaal wat gelyk is aan—

- (i) enige bedrag wat ten opsigte van so 'n lid aan die fonds betaal is ooreenkomstig subparagraaf (c) van paragraaf (1) van regulasie 24 tesame met rente op sodanige bedrag teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop genoemde bedrag aan die fonds betaal is tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid van die fonds te wees;
- (ii) enige bedrag wat ooreenkomstig items (i) en (ii) van subparagraaf (b) van paragraaf (6) van regulasie 24 bereken is en waarvoor sodanige lid aanspreeklik mag geword het ooreenkomstig 'n keuse wat hy kragtens die bepalings van daardie subparagraaf gedoen het, tesame met rente teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop hy verplig geword het om tot die fonds by te dra tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid van die fonds te wees;
- (iii) dubbel die bedrag van die bydraes [uitgesonderd addisionele meerdere bydraes, agterstallige of meerdere bydraes of enige bydraes soos bedoel in item (vi)] deur bedoelde lid betaal of verskuldig ten opsigte van sy pensioengewende diens vanaf die datum waarop hy verplig geword het om tot die fonds by te dra of vanaf die datum waarop hy laas aldus verplig geword het indien hy voorheen lid was, tesame met rente daarop teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, en bereken ooreenkomstig die datums waarop genoemde bydraes betaalbaar geword het en tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid van die fonds te wees;

(15) Notwithstanding anything in paragraph (7) or (8) of this regulation contained, the aggregate of the benefits paid or due in terms of sub-paragraphs (a) and (b) of paragraph (7), or sub-paragraphs (a), (b) and (c) of paragraph (8), as the case may be shall not be less than the gratuity which would have been paid in respect of the eligible child or eligible children concerned, had the provisions of paragraph (12) instead been applicable.

(16) If a member, other than an insured member, dies before his retirement or discharge from the service of a council without leaving a widow, an eligible child or a dependant an amount equal to his own contributions together with any additional excess contributions shall be paid to his estate.

MEMBERS TRANSFERRED OR APPOINTED TO OTHER PENSIONABLE EMPLOYMENT.

21. (1) If a member, other than an insured member, is transferred or is appointed without a break in the continuity of his employment or subject to any provision in any other law contained, with such break in the continuity of his employment as may be approved by the Secretary as necessary and reasonable in the circumstances, to employment in respect of which he becomes a member of—

- (a) another pension or provident fund established by law and administered by the Government;
- (b) a pension fund established by law and administered by the Railway Administration;
- (c) another pension or provident fund or any other scheme providing for a retirement pension, whether in or outside the Republic, which is not a fund or scheme referred to in sub-paragraph (a) or (b) and which is recognised by the Minister for purposes of this regulation;

and is permitted and elects to contribute to such pension or provident fund or such other scheme in respect of his past pensionable service as a member of the fund, there shall, subject to the provisions of paragraphs (2), (3) and (6), be paid from the fund to such other pension or provident fund or scheme an amount equal to the sum of—

- (i) any amount paid to the fund in terms of sub-paragraph (c) of paragraph (1) of regulation 24 in respect of such member together with interest on such amount at the rate of five per cent per annum, annually compounded at the thirty-first day of March and calculated from the date upon which the said amount was paid to the fund and up to and including the day immediately preceding the date he ceased to be a member of the fund;
- (ii) any amount calculated in terms of items (i) and (ii) of sub-paragraph (b) of paragraph (6) of regulation 24 for which such member may have become liable in accordance with an election made by him under the provisions of that sub-paragraph, together with interest at the rate of five per cent per annum, annually compounded at the thirty-first day of March and calculated from the date he became liable to contribute to the fund and up to and including the day immediately preceding the date upon which he ceased to be a member of the fund;
- (iii) twice the amount of the contributions [other than any additional excess, arrear or excess contributions or any contributions referred to in item (vi)] paid or due by the said member in respect of his pensionable service from the date he became liable to contribute to the fund or from the date he last became so liable if he was previously a member, together with interest thereon at the rate of five per cent per annum annually compounded as at the thirty-first day of March and calculated according to the dates upon which the said contributions became payable and up to and including the day immediately preceding the date he ceased to be a member of the fund;

(iv) dubbel die bedrag van enige agterstallige bydraes deur sodanige lid betaal of verskuldig tesame met rente daarop teen die koers van vyf persent per jaar tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid te wees, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken asof genoemde bydraes gereeld betaal is op die datums waarop dit betaal sou gewees het indien die lid 'n bydraer was gedurende die tydperk ten opsigte waarvan sodanige bydraes betaalbaar was;

(v) enige bedrag wat ooreenkomstig paragraaf (5) van regulasie 13 bereken is en waarvoor die lid aanspreeklik mag geword het ingevolge paragraaf (2) van daardie regulasie, tesame met rente daarop teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop die lid verplig geword het om tot die fonds by te dra tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid te wees;

(vi) dubbel die bedrag van die bydraes deur sodanige lid betaal ten opsigte van 'n tydperk van vorige diens wat kragtens paragraaf (5) van regulasie 12 by sy pensioengewende diens ingesluit is, tesame met rente teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken ooreenkomstig die datums waarop sodanige bydraes betaalbaar geword het gedurende die tydperk wat aldus ingesluit is en tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid van die fonds te wees;

(vii) 'n bedrag bepaal ooreenkomstig subparagraaf (b) van paragraaf (7) van regulasie 12, tesame met rente teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop die lid verplig geword het om daardie bedrag te betaal tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid van die fonds te wees;

(viii) dubbel die bedrag deur sodanige lid betaal of verskuldig ooreenkomstig subparagraaf (a) van paragraaf (2) van regulasie 24 en enige bedrag wat, voordat hy lid van die fonds geword het, deur die lid aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, betaalbaar was en wat ingevolge subparagraaf (b) van genoemde paragraaf aan die fonds betaalbaar geword het, tesame met rente teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop die lid verplig geword het om tot die fonds by te dra tot en met die dag wat die datum onmiddellik voor die datum waarop hy opgehou het om lid van die fonds te wees.

(2) Die bedrag wat ingevolge paragraaf (1) betaalbaar is op die datum waarop genoemde lid ophou om lid van die fonds te wees, mag nie groter wees nie as die bedrag wat deur die ander pensioen- of voorsorgfonds of -skema op daardie datum vereis word, en daar moet oor enige surplus in die fonds beskik word soos die Sekretaris mag bepaal.

(3) By die bedrag wat aan die ander pensioen- of voorsorgfonds of -skema betaalbaar is, word rente gevoeg teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop sodanige lid opgehou het om lid van die fonds te wees tot en met die datum onmiddellik voor die datum van betaling.

(iv) twice the amount of any arrear contributions paid or due by such member together with interest thereon at the rate of five per cent per annum up to and including the day immediately preceding the date upon which he ceased to be a member of the fund, annually compounded at the thirty-first day of March and calculated as if payment of the said contributions had been regularly made on the dates on which they would have been paid had the member been a contributor during the period in respect of which such contributions were payable;

(v) any amount, calculated in accordance with paragraph (5) of regulation 13 for which the said member may have become liable in terms of paragraph (2) of that regulation together with interest on such amount at the rate of five per cent per annum, annually compounded at the thirty-first day of March and calculated from the date the member became liable to contribute to the fund and up to and including the day immediately preceding the day he ceased to be a member of the fund;

(vi) twice the amount of the contributions paid by such member in respect of a period of previous service included in his pensionable service in terms of paragraph (5) of regulation 12 together with interest at the rate of five per cent per annum, annually compounded at the thirty-first day of March and calculated according to the dates such contributions became payable during the period so included and up to and including the day immediately preceding the date he ceased to be a member of the fund;

(vii) any amount determined in terms of sub-paragraph (b) of paragraph (7) of regulation 12, together with interest at the rate of five per cent per annum, annually compounded at the thirty-first day of March and calculated from the date the member became liable to pay that amount and up to and including the day immediately preceding the date upon which he ceased to be a member of the fund;

(viii) twice the amount paid or due by such member in terms of sub-paragraph (a) of paragraph (2) of regulation 24 and any amount which prior to his becoming a member of the fund, was payable by the member to the technical colleges provident fund or the university institutions provident fund, as the case may be, and which became payable to the fund in terms of sub-paragraph (b) of the said paragraph, together with interest at the rate of five per cent per annum, annually compounded at the thirty-first day of March and calculated from the date the member became liable to contribute to the fund and up to and including the day immediately preceding the date upon which he ceased to be a member of the fund.

(2) The amount payable in terms of paragraph (1) as at the date the said member ceases to be a member of the fund shall not exceed the amount required by the other pension or provident fund or scheme as at that date and any surplus in the fund shall be disposed of in such manner as the Secretary may determine.

(3) There shall be added to the amount payable to such other pension or provident fund or scheme interest at the rate of four per cent per annum, annually compounded as at the thirty-first day of March and calculated as from the day upon which such member ceased to be a member of the fund and up to and including the day immediately preceding the date of payment.

(4) Indien 'n lid (uitgesonderd 'n versekerde lid) wat aldus oorgeplaas of aangestel word, nie toegelaat word om ten opsigte van sy vorige pensioengewende diens as lid van die fonds tot die ander pensioen- of voorsorgfonds of ander -skema by te dra nie of, indien hy toegelaat word om dit te doen, nie aldus bydra nie, word hy, behoudens die bepalings van paragraaf (6)—

(a) 'n bedrag wat gelyk is aan dubbel sy eie bydraes tot die fonds, betaal indien sodanige diens 'n opvoedkundige of wetenskaplike navorsingsdiens is wat vir die toepassing van hierdie paragraaf deur die Minister as sodanig erken word;

(b) behandel asof hy vrywillig bedank het indien sodanige diens nie 'n opvoedkundige of wetenskaplike navorsingsdiens is nie.

(5) Indien 'n lid (uitgesonderd 'n versekerde lid) na 'n opvoedkundige of wetenskaplike navorsingsdiens wat vir die toepassing van hierdie paragraaf deur die Minister erken word, oorgeplaas of daarin aangestel word en daar geen pensioen- of voorsorgfonds of ander -skema bestaan waartoe hy kan bydra nie, word daar, behoudens die bepalings van paragraaf (6), aan hom 'n bedrag, betaal wat gelyk is aan dubbel sy eie bydraes.

(6) Van die bedrag wat ingevolge hierdie regulasies betaalbaar is, word daar alle bydraes of ander bedrae afgetrek wat deur of ten opsigte van genoemde lid op die datum waarop hy ophou om lid van die fonds te wees, betaalbaar mag wees en nog nie betaal is nie.

(7) Indien 'n lid (uitgesonderd 'n versekerde lid) oorgeplaas word na 'n diens wat nie „diens” is soos in paragraaf (1) bedoel nie, word hy ooreenkomstig die bepalings van regulasie 19 behandel asof hy vrywillig bedank het.

#### BETALING UIT INKOMSTE OF DEUR 'N RAAD AAN DIE FONDS.

22. (1) Ondergenoemde bedrae moet elke maand soos volg aan die fonds betaal word:—

(a) Deur 'n raad (uitgesonderd die raad van 'n staats-ondersteunde inrigting of die Raad van Beheer oor die Afrikaanse Woordeboek soos bedoel in artikel een van die Wet)—

(i) 'n bedrag gelyk aan die totaal van die bydraes wat ooreenkomstig die bepalings van regulasie 7 gedurende daardie maand aan die fonds betaal word deur lede wat in die diens van daardie raad is;

(ii) 'n bedrag gelyk aan die totaal van agterstallige bydraes en rente waarvoor lede wat in die diens van sodanige raad is, aanspreeklik geword het ingevolge paragraaf (3) van regulasie 12 en waarvan daar gedurende daardie maand aan genoemde lede en genoemde raad kennis gegee word;

(b) deur die bedoelde raad van 'n staatsondersteunde inrigting—

(i) 'n bedrag gelyk aan een kwart van die totaal van die bydraes wat ooreenkomstig die bepalings van regulasie 7 gedurende daardie maand aan die fonds betaal word deur lede wat in die diens van daardie raad is;

(ii) 'n bedrag gelyk aan een kwart van die totaal van agterstallige bydraes en rente waarvoor lede wat in die diens van sodanige raad is, aanspreeklik geword het ingevolge paragraaf (3) van regulasie 12 en waarvan daar gedurende daardie maand aan genoemde lede en genoemde raad kennis gegee word;

(c) uit inkomste—

(i) 'n bedrag gelyk aan drie maal die som van die bedrae bedoel in subparagraaf (b);

(ii) 'n bedrag gelyk aan die totaal van die bydraes wat ooreenkomstig die bepalings van regulasie 7 gedurende daardie maand aan die fonds betaal word deur lede wat in die diens van die genoemde Raad van Beheer oor die Afrikaanse Woordeboek is;

(4) If a member (other than an insured member) who is so transferred or appointed is not permitted to contribute to the other pension or provident fund or other scheme in respect of his past pensionable service as a member of the fund or, if permitted to do so, does not so contribute he shall, subject to the provisions of paragraph (6)—

(a) if such employment is an educational or scientific research service recognised by the Minister as such for purposes of this paragraph, be paid an amount equal to twice his own contributions to the fund;

(b) if such employment is not an educational or scientific research service, be dealt with as if he had voluntarily resigned.

(5) If a member (other than an insured member), is transferred or appointed to an educational or scientific research service recognised by the Minister for the purposes of this paragraph and there exists no pension or provident fund or other scheme to which he may contribute, he shall, subject to the provisions of paragraph (6) be paid an amount equal to twice his own contributions.

(6) There shall be deducted from any amount payable in terms of this regulation any contributions or any other amount which may be payable by or in respect of the said member at the date upon which he ceased to be a member of the fund and which remain unpaid.

(7) If a member (other than an insured member) is transferred to employment which is not employment referred to in paragraph (1) he shall be dealt with in accordance with the provisions of regulation 19 as if he had voluntarily resigned.

#### PAYMENT TO THE FUND FROM REVENUE OR BY A COUNCIL.

22. (1) There shall be paid to the fund at the end of each month—

(a) by a council (other than the council of a state-aided institution, or the Board of Control of the “Afrikaanse Woardeboek”, referred to in section one of the Act)—

(i) an amount equal to the aggregate of the contributions which, in accordance with the provisions of regulation 7, are paid to the fund by members in the service of that council during that month;

(ii) an amount equal to the aggregate of any arrear contributions and interest for which members in the service of such council have become liable in terms of paragraph (3) of regulation 12 and liability for which is notified to the said members and to the said council during that month;

(b) by the council of such a state-aided institution—

(i) an amount equal to one-quarter of the aggregate of the contributions which in accordance with the provisions of regulation 7, are paid to the fund by members in the service of that council during that month;

(ii) an amount equal to one-quarter of the aggregate of any arrear contributions and interest for which members in the service of such council have become liable in terms of paragraph (3) of regulation 12 and liability for which is notified to the said members and to the said council during that month;

(c) out of revenue—

(i) an amount equal to three times the sum of the amounts referred to in sub-paragraph (b);

(ii) an amount equal to the aggregate of the contributions which, in accordance with the provisions of regulation 7 are paid to the fund by members in the service of the said Board of Control of the “Afrikaanse Woardeboek” during that month;

- (iii) 'n bedrag gelyk aan die totaal van agterstalige bydraes en rente waarvoor lede wat in die diens van genoemde Raad van Beheer is, aanspreeklik geword het ingevolge paragraaf (3) van regulasie 12 en waarvan daar gedurende daardie maand aan genoemde lede kennis gegee word.

(2) Op die een-en-dertigste dag van Maart elke jaar word daar uit inkomste rente teen vier persent per jaar betaal op die gemiddelde onbelegde bedrae in die fonds aan die einde van elke maand binne die tydperk ten opsigte waarvan die rente betaalbaar is.

## HOOFSTUK II.

### WOORDOMSKRYWING.

23. In hierdie Hoofstuk tensy dit uit die samehang anders blyk, beteken—

„nuwe voorsorgfondregulasies” die regulasies opgestel kragtens paragrafe (a) en (g) van subartikel (1) van artikel *twaalf* van die Wet tot Addisionele Regeling van het Hoger Onderwys, 1917 (Wet No. 20 van 1917), gelees met artikels *negentien* en *nege-en-twintig* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), en afgekondig by Goewermentskennisgewing No. 1134 van die negentiende dag van Mei 1950, en ook alle wysigings daarvan wat by latere Goewermentskennisgewings afgekondig is;

„ou voorsorgfondregulasies” die regulasies opgestel kragtens paragrafe (a) en (g) van subartikel (1) van artikel *twaalf* van die Wet tot Addisionele Regeling van het Hoger Onderwys, 1917 (Wet No. 20 van 1917), gelees met artikels *negentien* en *nege-en-twintig* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), wat van krag was vóór die inwerkingtreding van die nuwe voorsorgfondregulasies en wat van krag gebly het ten opsigte van daardie persone wat nie ooreenkomstig regulasie 5 van genoemde nuwe voorsorgfondregulasies gekies het dat laasgenoemde regulasies op hulle van toepassing moet wees nie;

„versekeringspolis” 'n uitkeringslebensversekeringspolis soos bedoel in regulasie *vyf-en-twintig*;

„regulasies betreffende die voorsorgfonds vir tegniese kolleges” die regulasies opgestel kragtens paragraaf (g) van subartikel (1) van artikel *negentien* van die Hoger Onderwys Wet, 1923 (Wet No. 30 van 1923), en gepubliseer by Goewermentskennisgewing No. 977 van die agt-en-twintigste dag van April 1950, en ook alle wysigings daarvan wat in latere Goewermentskennisgewings gepubliseer is.

### KEUSE VAN SEKERE PERSONE OM LEDE VAN DIE FONDS TE WORD.

24. (1) Iemand wat, onmiddellik voor die bepaalde datum, in die diens van 'n geassosieerde inrigting was en 'n bydraer tot die voorsorgfonds vir universiteitsinrigtings is, of in die diens was van 'n inrigting wat verklaar is tot 'n inrigting waarop die bepalinge van die Wet op Staats-ondersteunde Inrigtings, 1931, van toepassing is, en 'n bydraer tot die voorsorgfonds vir tegniese kolleges is, mag, behoudens die bepalinge van regulasie 6 en, in die geval van iemand op wie die ou voorsorgfondregulasies van toepassing is, behoudens subparagraaf (a) van paragraaf (2), binne 90 dae vanaf die datum waarop hy deur die raad in wie se diens hy is, aangesê word om dit te doen, of binne dié addisionele tydperk wat die Sekretaris onder spesiale omstandighede mag toelaat, skriftelik kies om onthef te word van alle verpligtinge en afstand te doen van alle regte en voorregte in die betrokke voorsorgfonds en om lid te word van die fonds, en indien hy aldus kies—

- (a) word hy lid van die fonds en dra daartoe by met ingang van die eerste dag van die tweede maand wat volg op die maand waarin hy sy keuse gedoen het;
- (b) word die hele tydperk van sy vorige pensioengewende diens geag as pensioengewende diens vir die toepassing van hierdie regulasies;

- (iii) an amount equal to the aggregate of any arrear contributions and interest for which members in the service of the said Board of Control have become liable in terms of paragraph (3) of regulation 12 and liability for which is notified to the said members during that month;

(2) On the thirty-first day of March in each year there shall be paid from revenue interest at the rate of four per cent per annum on the average of the uninvested amounts in the fund at the end of each month during the period in respect of which the interest is payable.

## CHAPTER II.

### INTERPRETATION OF TERMS.

23. In this Chapter unless the context otherwise indicates—

“new provident fund regulations” means the regulations made in terms of paragraphs (a) and (g) of sub-section (1) of section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), as read with sections *nineteen* and *twenty-nine* of the Universities Act, 1955 (Act No. 61 of 1955), and published in Government Notice No. 1134 of the nineteenth day of May, 1950, and includes any amendments thereof published in subsequent Government Notices.

“old provident fund regulations” means the regulations made in terms of paragraphs (a) and (g) of sub-section (1) of section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), as read with sections *nineteen* and *twenty-nine* of the Universities Act, 1955 (Act No. 61 of 1955), which were in force prior to the coming into force of the new provident fund regulations and which have continued to apply in respect of those persons who did not elect in terms of regulation 5 of the said new provident fund regulations to be governed by the latter regulations.

“policy of assurance” means a policy of endowment life assurance referred to in regulation 25.

“technical colleges provident fund regulations” means the regulations made in terms of paragraph (g) of sub-section (1) of section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), and published in Government Notice No. 977 of the twenty-eighth day of April, 1950, and includes any amendments thereof published in subsequent Government Notices.

### OPTION OF CERTAIN PERSONS TO BECOME MEMBERS OF THE FUND.

24. (1) Any person who immediately prior to the specified date was in the service of an associated institution and is a contributor to the university institutions provident fund, or was in the service of an institution which has been declared to be subject to the provisions of the State-aided Institutions Act, 1931, and is a contributor to the technical colleges provident fund, may subject to the provisions of regulation 6 and in the case of a person governed by the old provident fund regulations to the provisions of sub-paragraph (a) of paragraph (2), elect in writing within ninety days from the date of his being called upon by the council in whose service he is to do so, or within such further period as the Secretary in special circumstances may allow, to be released from all obligations and to relinquish all rights and privileges in the provident fund concerned and to become a member of the fund, and if he so elects—

- (a) he shall become a member of and shall contribute to the fund as from the first day of the second month following the month in which he makes his election;
- (b) the whole period of his past pensionable service shall be deemed to be pensionable service for purposes of these regulations;

(c) word daar aan die fonds uit die betrokke voorsorgfonds 'n bedrag betaal wat gelyk is aan die totaal van—

- (i) die bedrag wat op die een-en-dertigste dag van Maart voor die beëindiging van sy lidmaatskap van die voorsorgfonds in sy krediet in die voorsorgfonds staan na die byvoeging van die diwidend wat op daardie datum betaal of verskuldig is ingevolge klousule (a) van subparagraaf (2) van paragraaf 8 van die nuwe voorsorgfondsregulasies of ingevolge regulasie 39 van die ou voorsorgfondsregulasies of klousule (a) van subparagraaf (2) van paragraaf 41 van die regulasies betreffende die voorsorgfonds vir tegniese kolleges, na gelang van die geval;
- (ii) enige bedrag wat deur of ten opsigte van sodanige persoon aan die voorsorgfonds betaal is na genoemde een-en-dertigste dag van Maart min versekeringspremies wat na daardie datum betaal is;
- (iii) rente op die bedrae in items (i) en (ii) bedoel, bereken ooreenkomstig klousule (b) van subparagraaf (2) van paragraaf 8 van die nuwe voorsorgfondsregulasies of regulasie 40 van die ou voorsorgfondsregulasies of klousule (b) van subparagraaf (2) van paragraaf 41 van die regulasies betreffende die voorsorgfonds vir tegniese kolleges, na gelang van die geval.

(2) (a) Enigeen in paragraaf (1) bedoel, wat kies om lid van die fonds te word en wat onmiddellik voordat hy lid geword het, aan die ou voorsorgfondsregulasies onderworpe was, moet, benewens enige bedrag wat ingevolge subparagraaf (c) van paragraaf (1) betaal is, 'n bedrag aan die fonds betaal wat gelyk is aan die totaal van—

- (i) die verskil tussen die bydraes van ses persent wat hy aan die voorsorgfonds vir universiteitsinrigtings betaal het gedurende die tydperk vanaf die eerste dag van Augustus 1949 tot die dag onmiddellik voor die dag waarop hy lid van die fonds word, en die bydraes van sewe persent wat hy ten opsigte van daardie tydperk aan genoemde voorsorgfonds sou betaal het indien hy aan die nuwe voorsorgfondsregulasies onderworpe was;
- (ii) die diwidende en rente op die addisionele bydrae van een persent in item (i) bedoel, waarmee hy kragtens die nuwe voorsorgfondsregulasies sou gekrediteer gewees het tot op die dag onmiddellik voor die dag waarop hy lid van die fonds word.

(b) Iemand op wie paragraaf (1) betrekking het en wat kies om lid van die fonds te word, moet aan die fonds enige bedrag betaal wat hy aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, verskuldig was en wat onbetaald is op die datum waarop hy lid word.

(3) Indien iemand op wie paragraaf (2) van toepassing is, nie in staat is om die bedrag wat hy verskuldig is, in een paalement te likwideer nie, word die bedrag op hom verhaal op dié wyse en in dié paalemente wat die Sekretaris mag bepaal en betaal hy rente teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, op die bedrag wat aan die einde van elke maand onbetaald bly.

(4) 'n Bedrag gelyk aan die bedrag wat ingevolge subparagraaf (a) van paragraaf (2) deur 'n persoon betaalbaar is, word betaal deur die raad in wie se diens sodanige persoon is: Met dien verstande dat, indien sodanige raad nie by wet verplig was om bydraes tot die voorsorgfonds vir universiteitsinrigtings te betaal nie, genoemde bedrag uit inkomste betaal moet word.

(5) Die bepalinge van paragrawe (1), (2), (3) en (4) is *mutatis mutandis* van toepassing in die geval van iemand wat onmiddellik voor die bepaalde datum in artikel vyf van die Wet bedoel, in die diens is van 'n organisasie, liggaam of inrigting wat deur die Minister kragtens artikel vier van die Wet tot 'n geassosieerde inrigting verklaar is, en wat onmiddellik voor daardie datum 'n bydraer tot die voorsorgfonds vir universiteitsinrigtings is.

(c) there shall be paid from the provident fund concerned to the fund an amount equal to the sum of—

- (i) the amount standing to his credit in that provident fund as at the thirty-first day of March preceding the termination of his membership of the provident fund, after the addition of the dividend paid or due on that day in terms of clause (a) of sub-paragraph (2) of paragraph 8 of the new provident fund regulations, regulation 39 of the old provident fund regulations or clause (a) of sub-paragraph (2) of paragraph 41 of the technical colleges provident fund regulations, as the case may be;
- (ii) any amount paid to the provident fund concerned by or in respect of such person subsequent to the said thirty-first day of March less any assurance premiums paid out of that fund after that date;
- (iii) interest on the amounts referred to in items (i) and (ii) calculated in terms of clause (b) of sub-paragraph (2) of paragraph 8 of the new provident fund regulations or paragraph (2) of regulation 40 of the old provident fund regulations or clause (b) of sub-paragraph (2) of paragraph 41 of the technical colleges provident fund regulations as the case may be.

(2) (a) Any person to whom paragraph (1) refers, who elects to become a member of the fund and who immediately prior to becoming a member, was governed by the old provident fund regulations, shall pay to the fund, in addition to any amount paid in terms of sub-paragraph (c) of paragraph (1), an amount equal to the sum of—

- (i) the difference between the six per cent contributions paid by him to the university institutions provident fund during the period from the first day of August, 1949, up to the day immediately prior to the day on which he becomes a member of the fund and the seven per cent contributions he would have paid to the said provident fund in respect of that period had he been governed by the new provident fund regulations;
- (ii) the dividends and interest which in terms of the new provident fund regulations would have accrued to his credit on the additional one per cent contribution referred to in item (i) up to the day immediately prior to the day on which he becomes a member of the fund

(b) Any person to whom paragraph (1) refers and who elects to become a member of the fund shall pay to the fund any amount which was due by him to the technical colleges provident fund or the university institutions provident fund, as the case may be, and which remains unpaid on the date on which he becomes a member.

(3) If any person to whom paragraph (2) applies is unable to liquidate the amount due by him in one payment, such amount shall be recovered from him in such manner and in such instalments as the Secretary may determine and he shall pay interest at the rate of four per cent per annum, compounded annually as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(4) An amount equal to the amount which becomes payable by a person in terms of sub-paragraph (a) of paragraph (2) shall be paid by the council in whose service such person is: Provided that if such council was not by law liable to pay contributions to the university institutions provident fund, the said amount shall be paid from revenue.

(5) The provisions of paragraphs (1), (2), (3) and (4) shall *mutatis mutandis* apply in the case of any person who immediately prior to the specified date referred to in section five of the Act is in the service of any organisation, body or institution which is declared by the Minister in terms of section four of the Act to be an associated institution and who immediately prior to that date is a contributor to the university institutions provident fund.

(6) (a) Iemand wat in die diens is van 'n organisasie, liggaam of inrigting wat kragtens artikel vier van die Wet deur die Minister tot 'n geassosieerde inrigting verklaar is, en wat onmiddellik voor die bepaalde datum in artikel vyf van die Wet bedoel, 'n bydraer tot 'n pensioen- of voorsorgfonds of ander -skema was (uitgesonderd 'n voorsorgfonds in die voorafgaande paragrawe van hierdie regulasies bedoel), kan binne negentig dae vanaf die datum waarop hy deur die raad in wie se diens hy is, aangesê word om dit te doen, of binne dié verdere tydperk wat die Sekretaris onder spesiale omstandighede mag toelaat, skriftelik kies om van alle verpligtings onthef te word en om afstand te doen van alle regte op en voorregte in so 'n pensioen- of voorsorgfonds of -skema en om lid van die fonds te word, en indien hy aldus kies, word hy lid van en dra hy tot die fonds by vanaf die eerste dag van die tweede maand wat volg op die maand waarin hy aldus gekies het.

(b) Iemand op wie subparagraaf (a) van toepassing is en wat kies om lid van die fonds te word, mag voorts binne sestig dae vanaf die datum waarop hy deur die raad in wie se diens hy is, aangesê word om dit te doen, of binne dié verdere tydperk wat die Sekretaris onder spesiale omstandighede mag toelaat, skriftelik kies om sy vorige pensioengewende diens voor die datum waarop hy verplig geword het om tot die fonds by te dra, as pensioengewende diens vir die doeleindes van die fonds te reken, en indien hy kies om sy vorige pensioengewende diens aldus te reken, moet die lid aan die fonds 'n bedrag betaal wat gelyk is aan die totaal van—

- (i) dubbel die bydraes wat hy aan die fonds sou betaal het indien hy gedurende sy vorige pensioengewende diens tot die fonds bygedra het teen die koers wat in regulasie 8 voorgeskryf word.
- (ii) die bedrag waarmee hy in die pensioen- of voorsorgfonds waarvan hy voorheen lid was, tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid van sodanige fonds te wees, gekrediteer is, aan rente of diwidende of aan beide rente en diwidende of, indien gelde uit genoemde pensioen- of voorsorgfonds ten behoeve van die lid aangewend is vir die betaling van premies op 'n lewensversekeringspolis, 'n bedrag gelyk aan die rente en diwidende waarmee hy gekrediteer sou gewees het indien sodanige gelde nie betaal is nie:

Met dien verstande dat die bedrag waarvoor die lid aanspreeklik mag word, verminder moet word met enige bedrag, uit genoemde pensioen- of voorsorgfonds betaal, waarmee hy gekrediteer word, en met enige ander bedrag wat kragtens die wet, regulasies of reëls betreffende daardie fonds of skema, aan die fonds betaal mag word deur die owerheid wat so 'n fonds of skema administreer.

(c) Die bepalinge van paragrawe (3) en (4) van regulasie 13 is *mutatis mutandis* van toepassing ten opsigte van enige bedrag wat deur 'n lid betaalbaar is uit hoofde van 'n keuse wat hy kragtens subparagraaf (b) gedoen het.

#### SESSIE VAN LEWENSVERSEKERINGSPOLISSE.

25. (1) Indien iemand wat in paragraaf (1) of (5) van regulasie 24 bedoel word en wat kies om lid van die fonds te word, 'n uitkeringslewensversekeringspolis uitgeneem het wat deel uitmaak van die voorsiening wat daar vir hom gemaak is of ooreenkomstig die ou of die nuwe voorsorgfondstreulasies of die regulasies betreffende die voorsorgfonds vir tegniese kolleges, moet hy voor of op die laaste dag van die maand waarin hy lid van die fonds word, skriftelik kies om—

(a) of aan die fonds 'n bedrag te betaal wat gelyk is aan die som van—

- (i) die premies wat uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, ten opsigte van genoemde polis betaal is, tesame met diwidende en rente wat ooreenkomstig die regulasies betreffende of die voorsorgfonds vir tegniese kolleges of die ou of die nuwe voorsorgfondstreulasies, na gelang van die geval, op daardie premies in sodanige

(6) (a) Any person who is in the service of any organisation, body or institution which is declared by the Minister, in terms of section four of the Act, to be an associated institution and who, immediately prior to the specified date referred to in section five of the Act was a contributor to a pension or provident fund or other scheme (other than a provident fund referred to in the preceding paragraphs of this regulation) may elect in writing, within ninety days from the date of his being called upon by the council in whose service he is to do so, or within such further period as the Secretary in special circumstances may allow, to be released from all obligations and to relinquish all rights and privileges in such pension or provident fund or other scheme and to become a member of the fund, and if he should so elect he shall become a member of and shall contribute to the fund as from the first day of the second month following the month in which he makes his election.

(b) A person to whom sub-paragraph (a) refers and who elects to become a member of the fund may further elect in writing within sixty days from the date of his being called upon by the council in whose service he is to do so, or within such further period as the Secretary may in special circumstances allow, to reckon his past pensionable service prior to the date on which he became liable to contribute to the fund, as pensionable service for purposes of the fund and if he elects so to reckon his past pensionable service there shall be paid to the fund by the member an amount equal to the sum of—

- (i) twice the contributions which he would have paid to the fund had he contributed to the fund during his past pensionable service at the rate prescribed in regulation 8;
- (ii) the amount accrued to his credit in the pension or provident fund of which he was previously a member, up to and including the day immediately preceding the date upon which he ceased to be a member of such pension or provident fund, either in interest or dividends or both in interest and dividends, or, if any moneys have been paid from the said pension or provident fund on his behalf in payment of premiums on a policy of life assurance, an amount equal to the interest and dividends which would have accrued to his credit had such payments not been made:

Provided that the amount for which the member may become liable shall be reduced by any sum paid to his credit from the said pension or provident fund, and by any other amount which in terms of the law, regulations or rules governing that fund or scheme may be paid to the fund by the authority administering such fund or scheme.

(c) The provisions of paragraphs (3) and (4) of regulation 13 shall *mutatis mutandis* apply in respect of any amount payable by a member by virtue of an election made in terms of sub-paragraph (b).

#### CESSION OF LIFE ASSURANCE POLICIES.

25. (1) If a person to whom paragraph (1) or (5) of regulation 24 refers and who elects to become a member of the fund, had taken out a policy of endowment life assurance which formed part of the provision made for him under either the old or the new provident fund regulations or the technical colleges provident fund regulations, he shall elect in writing, not later than the last day of the month in which he becomes a member of the fund, either—

(a) to pay to the fund an amount equal to the sum of—

- (i) the premiums paid from the technical colleges provident fund or the university institutions provident fund, as the case may be, in respect of the said policy together with the dividends and interest which would have accrued in such provident fund on those premiums under either the technical colleges provident fund regulations or under the old or the new provident fund regulations, as the case may be, up to and

voorsorgfonds sou opgeloopt het tot en met die dag onmiddellik voor die datum waarop hy lid van die fonds word, indien daardie premies nie betaal was nie maar in die krediet van sodanige persoon in die voorsorgfonds gebly het; en

- (ii) rente teen die koers van vier persent per jaar op die bedrag ingevolge item (i) bepaal, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die dag waarop genoemde persoon lid van die fonds geword het en tot en met die datum waarop betaling aan die fonds geskied;

en om, by betaling van genoemde bedrag aan die fonds, die versekeringspolis aan hom te laat terugbesorg; of

- (b) genoemde versekeringspolis behoudens die bepalinge van paragraaf (2) aan die Sekretaris te sedgeer vir bewaring ten behoeve van die fonds;

Met dien verstande dat enigeen wat versuim om aldus te kies, geag word te gekies het om genoemde versekeringspolis aan die Sekretaris te sedgeer ooreenkomstig die bepalinge van subparagraaf (b).

(2) 'n Lid op wie paragraaf (1) betrekking het en wat, kragtens subparagraaf (b) van daardie paragraaf, 'n versekeringspolis aan die Sekretaris gesedgeer het, mag te eniger tyd voordat daardie polis te gelde gemaak is, aansoek doen dat—

- (a) genoemde polis in 'n opbetaalde polis omgeskep word, en met die goedkeuring van die Sekretaris en na oorlegpleging met die betrokke versekeraar, word die polis dan aldus omgeskep en word geen verdere premies ten opsigte van daardie polis uit die fonds betaal nie; of

- (b) die sessie ingetrek word, en met die goedkeuring van die Sekretaris en op voorwaarde dat 'n bedrag aan die fonds betaal word wat gelyk is aan die totaal van—

- (i) 'n bedrag bereken ooreenkomstig items (i) en (ii) van subparagraaf (a) van paragraaf (1); en
- (ii) die premies uit die fonds betaal, tesame met rente op sodanige premies teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datums waarop sodanige premies betaal is en tot en met die datum waarop die bedrag aan die fonds betaal is;

word die sessie ingetrek en die polis aan die lid terugbesorg.

(3) Indien 'n versekeringspolis, op aansoek van 'n lid, ooreenkomstig subparagraaf (a) van paragraaf (2) in 'n opbetaalde polis omgeskep is, mag genoemde lid te eniger tyd daarna en voor die tegeldemaking van die polis aansoek doen dat die sessie ingetrek word en dan word die sessie met die goedkeuring van die Sekretaris en op voorwaarde dat 'n bedrag bereken ooreenkomstig die bepalinge van items (i) en (ii) van subparagraaf (b) van paragraaf (2), aan die fonds betaal word, ingetrek en die polis aan die lid terugbesorg.

(4) Indien 'n lid op wie subparagraaf (a) van paragraaf (1), subparagraaf (b) van paragraaf (2) of paragraaf (3) van toepassing is, nie daartoe in staat is om die bedrag wat deur hom aan die fonds betaalbaar is, in een som te betaal nie, word sodanige bedrag verhaal op dié wyse en in dié paalemente wat die Sekretaris mag bepaal, en hou hy aan om rente te betaal teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, op die bedrag wat aan die einde van elke maand onbetaald bly.

(5) Indien 'n lid aansoek gedoen het om die intrekking van die sessie van 'n versekeringspolis en hy die bedrag wat deur hom verskuldig is, ooreenkomstig die bepalinge van paragraaf (4) in paalemente betaal, mag sodanige sessie, ondanks die bepalinge vervat in die voorafgaande paragrafe van hierdie regulasie, behoudens die goedkeuring van die Sekretaris en op dié voorwaardes wat die Sekretaris mag bepaal, ingetrek en die polis aan die lid terugbesorg word voordat genoemde bedrag ten volle betaal is.

including the day immediately preceding the day on which he becomes a member of the fund, had those premiums not been paid but had remained in the provident fund concerned to the credit of such person; and

- (ii) interest at the rate of four per cent per annum on the amount determined under item (i) annually compounded as at the thirty-first day of March and calculated from the day on which the said person became a member of the fund and up to and including the date upon which payment is made to the fund,

and, on payment of the said amount to the fund, to have the policy of assurance returned to him; or

- (b) subject to the provisions of paragraph (2) to cede the said policy of assurance to the Secretary for retention on behalf of the fund:

Provided that any person who fails so to elect shall be deemed to have elected to cede the said policy of assurance to the Secretary in accordance with the provisions of sub-paragraph (b).

(2) A member to whom paragraph (1) refers and who, in terms of sub-paragraph (b) of that paragraph has ceded a policy of assurance to the Secretary, may at any time before the realization of that policy, apply—

- (a) for the said policy to be converted into a paid-up policy and, with the approval of the Secretary and in consultation with the insurer concerned, the policy shall be so converted and no further premiums in respect of that policy shall be paid from the fund; or

- (b) for the cession to be cancelled and, with the approval of the Secretary and subject to the payment to the fund of an amount equal to the sum of—

- (i) an amount computed in terms of items (i) and (ii) of sub-paragraph (a) of paragraph (1); and
- (ii) the premiums paid from the fund together with interest on such premiums at the rate of four per cent per annum annually compounded as at the thirty-first day of March and calculated according to the dates upon which such premiums were paid and up to and including the date upon which payment is made to the fund,

the said cession shall be cancelled and the policy shall be returned to the member.

(3) If on the application of a member a policy of assurance has, in terms of sub-paragraph (a) of paragraph (2), been converted into a paid-up policy, the said member may at any time thereafter and before the realization of that policy, apply for the cession to be cancelled and, with the approval of the Secretary and subject to the payment to the fund of an amount calculated in accordance with the provisions of items (i) and (ii) of sub-paragraph (b) of paragraph (2), the said cession shall be cancelled and the policy shall be returned to the member.

(4) If a member to whom sub-paragraph (a) of paragraph (1), sub-paragraph (b) of paragraph (2) or paragraph (3) applies is unable to liquidate the amount payable by him to the fund in one payment such amount shall be recovered in such manner and in such instalments as the Secretary may determine and he shall continue to pay interest at the rate of four per cent per annum, annually compounded as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(5) Notwithstanding anything in the preceding paragraphs of this regulation contained, if a member has applied for the cancellation of the cession of a policy of assurance and in accordance with the provisions of paragraph (4) is paying the amount due by him to the fund in instalments, such cession, subject to the approval of the Secretary and to such conditions as the Secretary may determine, may be cancelled and the policy returned to the member before the said amount has been liquidated in full.

(6) Alle versekeringspremies betaalbaar ten opsigte van 'n versekeringspolis bedoel in subparagraaf (b) van paragraaf (1), word vanaf die datum waarop die betrokke persoon lid van die fonds word, uit die fonds betaal.

(7) Wanneer die sessie van 'n versekeringspolis ingetrek word, is die lid nie meer 'n versekerde lid nie.

#### TEGELDEMAKING VAN 'N VERSEKERINGSPOLIS BY VERVAL OF AFSTERWE.

26. (1) By die tegeldemaking, of op die vervaldatum of by die afsterwe van die versekerde lid voor daardie datum, van 'n versekeringspolis wat deur die Sekretaris gehou word, word die opbrengs van die polis aan die fonds betaal. Met dien verstande dat as die bedrag aldus aan die fonds betaal, groter is as die totaal van—

- (a) die premies wat uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, ten opsigte van genoemde polis betaal is, tesame met die diwidende en rente wat of ooreenkomstig die regulasies betreffende die voorsorgfonds vir tegniese kolleges of ooreenkomstig die ou of die nuwe voorsorgfondstreulaties, na gelang van die geval, tot en met die dag onmiddellik voor die dag waarop die versekerde lid lid van die fonds geword het, of daardie premies in sodanige voorsorgfonds sou opgehoop het as die premies nie betaal was nie maar in die betrokke voorsorgfonds in die krediet van sodanige versekerde lid gebly het;
- (b) die rente, teen die koers van vier persent per jaar op die bedrag ooreenkomstig subparagraaf (a) bepaal, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die dag waarop die versekerde lid lid van die fonds geword het tot en met die dag waarop die polis te gelde gemaak moet word; en
- (c) alle premies wat uit die fonds betaal is ten opsigte van so 'n polis, tesame met rente op sodanige premies teen die koers van vier persent, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datums waarop sodanige premies betaal is tot en met die dag waarop die polis te gelde gemaak moet word;

die surplus, in die geval van 'n polis wat die vervaldatum bereik aan genoemde versekerde lid of, ingeval hy reeds te sterwe gekom het, aan sy boedel betaal moet word: Met dien verstande voorts dat, indien die bedrag aldus aan die fonds betaal, minder as die som van sodanige premies, diwidende en rente is, die tekort in een som of in dié paalemente wat die Sekretaris mag bepaal, verhaal moet word op die versekerde lid, indien die polis te gelde gemaak word by bereiking van die vervaldatum of, ingeval hy reeds te sterwe gekom het, op enige pensioen of ander bedrag wat uit die fonds betaalbaar is.

(2) By die tegeldemaking van 'n versekeringspolis wat die vervaldatum bereik het, is die persoon nie meer 'n versekerde lid nie.

#### GRATIFIKASIE BY UITDIENSTREDING VAN 'N VERSEKERDE LID.

27. (1) Aan 'n versekerde lid wat—

- (a) voordat hy tien jaar pensioengewende diens voltooi het, ooreenkomstig die bepalinge van regulasie 15 of as gevolg van 'n mediese verslag wat ingevolge paragraaf (1) van regulasie 18 verstrek is, uit die diens van 'n raad tree of afgedank word; of
- (b) voordat hy die pensioenleeftyd bereik het, uit die diens van 'n raad afgedank of ontslaan word om 'n rede genoem in item (i), (ii) of (iii) van subparagraaf (b) van regulasie 16;

word, behoudens die bepalinge van paragraaf (2), 'n gratifikasie betaal wat gelyk is aan sestiens persent van sy jaarlikse gemiddelde pensioengewende verdienste vir die laaste sewe jaar van sy pensioengewende diens, of vir die hele tydperk van sodanige diens, naamlik die kortste tydperk, ten opsigte van elke jaar van sy pensioengewende diens.

(6) Any assurance premiums payable in respect of a policy of assurance referred to in sub-paragraph (b) of paragraph (1) shall, as from the date the person concerned becomes a member of the fund, be paid from the fund.

(7) On the cancellation of a cession of a policy of assurance the member shall cease to be an insured member.

#### REALIZATION OF A POLICY OF ASSURANCE ON MATURITY OR DEATH.

26. (1) On the realization of a policy of assurance held by the Secretary, either as at maturity date or on the prior death of the insured member, the proceeds of such policy shall be paid to the fund: Provided that if the amount so paid to the fund is greater than the sum of—

- (a) the premiums paid from the technical colleges provident fund or the university institutions provident fund, as the case may be, in respect of the said policy together with the dividends and interest which would have accrued in such provident fund on those premiums under either the technical colleges provident fund regulations, or under the old or the new provident fund regulations, as the case may be, up to and including the day immediately preceding the day on which the insured member became a member of the fund, had those premiums not been paid but had remained in the provident fund concerned to the credit of such insured member;
- (b) interest at the rate of four per cent per annum on the amount determined under sub-paragraph (a), annually compounded as at the thirty-first day of March and calculated from the day on which the insured member became a member of the fund and up to and including the day on which the policy fell to be realised; and
- (c) any premiums paid from the fund in respect of such policy together with interest on such premiums at the rate of four per cent annually compounded as at the thirty-first day of March and calculated according to the dates upon which such premiums were paid and up to and including the day on which the policy fell to be realised.

any surplus shall, in the case of a policy reaching maturity be paid to the said insured member, or in the case of his prior death, to his estate: Provided further that if the amount so paid to the fund is less than the sum of such premiums, dividends and interest, the deficiency shall be recovered, in a lump sum or in such instalments as the Secretary may direct from the insured member if the policy is realized on reaching maturity date, or, in the event of his prior death, from any pension or any other amount payable from the fund.

(2) On the realization of a policy of assurance which has reached maturity the person shall cease to be an insured member.

#### GRATUITY RETIREMENT OF ANY INSURED MEMBER.

27. (1) An insured member who—

- (a) before he has had ten years of pensionable service, retires or is retired from the service of a council in terms of regulation 15 or as a result of a medical report furnished in terms of paragraph (1) of regulation 18; or
- (b) before he has attained the pensionable age, is retired or discharged from the service of a council for a reason mentioned in item (i), (ii) or (iii) of sub-paragraph (b) of regulation 16,

shall, subject to the provisions of paragraph (2), be paid a gratuity equal to sixteen per cent of the annual average of his pensionable emoluments for the last seven years of his pensionable service, or for the whole period of such service, whichever is the lesser period, in respect of each year of his pensionable service.

(2) 'n Bedrag gelyk aan die totaal van—

- (a) die premies uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteits-inrigtings, na gelang van die geval, betaal ten opsigte van 'n versekeringspolis, tesame met die diwidende en rente wat of ooreenkomstig die regulasies betreffende die voorsorgfonds vir tegniese kolleges of ooreenkomstig die ou of die nuwe voorsorgfondsregulasies, na gelang van die geval, tot en met die dag onmiddellik voor die dag waarop die versekerde lid van die fonds geword het, op daardie premies in sodanige voorsorgfonds sou opgehoop het as daardie premies nie betaal was nie maar in die betrokke voorsorgfonds in die krediet van genoemde versekerde lid gebly het;
- (b) die rente, teen die koers van vier persent per jaar op die bedrag ooreenkomstig subparagraaf (a) bepaal, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die dag waarop die versekerde lid van die fonds geword het en tot en met sy laaste dag van diens; en
- (c) alle premies wat uit die fonds betaal is, tesame met rente op sodanige premies, teen die koers van vier persent jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datums waarop sodanige premies betaal is en tot en met die lid se laaste dag van diens;

moet van sodanige gratifikasie afgetrek word.

(3) By betaling van die gratifikasie in paragraaf (1) bedoel, nadat die bedrag in paragraaf (2) bedoel, daarvan afgetrek is, word die sessie van die versekeringspolis ten gunste van die Sekretaris ingetrek en word die polis aan die versekerde persoon terugbesorg.

#### GRATIFIKASIE EN JAARGELD AAN SEKERE VERSEKERDE LEDE WAT WEENS SWAK GESONDHEID AFGEDANK WORD.

28. 'n Versekerde lid wat minstens tien jaar pensioengewende diens gehad het en wat, voordat hy die pensioenleeftyd bereik, uit die diens van 'n raad tree of daaruit afgedank of ontslaan word as gevolg van 'n mediese verslag wat ingevolge paragraaf (1) van regulasie 18 verstrekk is, is geregtig op 'n jaargeld en 'n gratifikasie wat bereken is ooreenkomstig paragraaf (2) van regulasie 17: Met dien verstande dat daar van sodanige gratifikasie 'n bedrag afgetrek moet word wat ooreenkomstig die bepalinge van paragraaf (2) van regulasie 27 bereken is: Met dien verstande voorts dat, indien sodanige gratifikasie kleiner is as die bedrag wat aldus afgetrek moet word, die verskuldigde saldo in dié paaimente wat die Sekretaris mag bepaal, afgetrek moet word van die jaargeld wat aan die lid betaalbaar is of van 'n jaargeld of jaarlikse voordeel wat later kragtens regulasie 20 betaalbaar mag word.

#### VOORDELE AAN VERSEKERDE LEDE BY AFDANKING OF ONTSLAG.

29. (1) Behoudens die bepalinge van regulasie 11 en die hieropvolgende bepalinge van hierdie regulasie, word daar aan 'n versekerde lid wat vrywillig bedank of wat, in die geval van 'n vrou, weens haar huwelik ontslaan word, een van die volgende bedrae, naamlik die grootste, uit die fonds betaal:—

(a) 'n Bedrag gelyk aan die totaal van—

- (i) die bydraes deur die lid betaal of verskuldig aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, ooreenkomstig die regulasies betreffende sodanige fonds [uitgesonderd addisionele bydraes wat kragtens daardie regulasies betaal is en die bydraes bedoel in paragraaf (iv)] en wat of by enige betaling wat die fonds kragtens subparagraaf (c) van paragraaf (1) van regulasie 24 ontvang het, ingesluit is of nadat hy 'n lid van die fonds geword het, ingesluit is by enige bedrag wat die lid ooreenkomstig subparagraaf (b) van paragraaf (2) van daardie regulasie aan die fonds betaal het;

(2) There shall be deducted from such gratuity and amount equal to the sum of—

- (a) the premiums paid from the technical colleges provident fund or the university institutions provident fund as the case may be, in respect of any policy of assurance, together with the dividends and interest which would have accrued in such provident fund on those premiums under either the technical colleges provident fund regulations or the old or the new provident fund regulations, as the case may be, up to and including the day immediately preceding the day on which the insured member became a member of the fund, had those premiums not been paid but had remained in the provident fund concerned to the credit of the said insured member;
- (b) interest at the rate of four per cent per annum on the amount determined under sub-paragraph (a), annually compounded as at the thirty-first day of March and calculated from the day on which the insured member became a member of the fund and up to and including the last day of his service; and
- (c) any premiums paid from the fund together with interest on such premiums at the rate of four per cent annually compounded as at the thirty-first day of March and calculated according to the dates upon which such premiums were paid and up to and including the last day of his service.

(3) On payment of the gratuity referred to in paragraph (1), after deduction therefrom of the amount referred to in paragraph (2), the cession of the policy of assurance in favour of the Secretary shall be cancelled and the policy shall be returned to the person assured.

#### GRATUITY AND ANNUITY TO CERTAIN INSURED MEMBERS RETIRED ON ACCOUNT OF ILL-HEALTH.

28. An insured member who has had not less than ten years' pensionable service and who, before he reaches the pensionable age, retires or is retired or discharged from the service of a council as a result of a medical report furnished in terms of paragraph (1) of regulation 18 shall be entitled to an annuity and a gratuity calculated in terms of paragraph (2) of regulation 17: Provided that there shall be deducted from such gratuity an amount calculated in accordance with the provisions of paragraph (2) of regulation 27: Provided further that if such gratuity is less than the amount so to be deducted, any balance due shall be deducted from the annuity payable to the member, or from any annuity or annual benefit which may subsequently become payable in terms of regulation 20, in such instalments as the Secretary may direct.

#### BENEFITS TO INSURED MEMBERS ON RESIGNATION OR DISCHARGE.

29. (1) Subject to the provisions of regulation 11 and to the succeeding provisions of this regulation, an insured member who voluntarily resigns or who, in the case of a female member, is discharged on account of her marriage, shall be paid from the fund, according to whichever is the greater, either—

(a) an amount equal to the sum of—

- (i) the contributions paid or due by the said member to the technical colleges provident fund or the university institutions provident fund, as the case may be, in accordance with the regulations governing such fund [other than any additional contributions paid in terms of those regulations and any contributions referred to in paragraph (iv)] and which were either included in any payment received by the fund in terms of sub-paragraph (c) of paragraph (1) of regulation 24 or, subsequent to his becoming a member of the fund, are included in any payment made to the fund by the member in terms of sub-paragraph (b) of paragraph (2) of that regulation;

- (ii) die bydraes wat so 'n lid aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, betaal het ooreenkomstig die regulasies betreffende sodanige fonds (uitgesonderd addisionele bydraes wat kragtens daardie regulasies betaal is) en wat kragtens sodanige regulasies aangewend is vir die betaling van premies op 'n versekeringspolis;
  - (iii) bydraes wat so 'n lid voor sy lidmaatskap van die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings aan 'n ander voorsorg- of pensioenfonds of -skema betaal het kragtens die wetsbepaling, regulasies of reëls betreffende daardie fonds of skema, wat ingesluit was by enige bedrag wat aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings betaal is ooreenkomstig die regulasies betreffende die voorsorgfonds vir tegniese kolleges of die ou of die nuwe voorsorgfondsregulasies, na gelang van die geval, en wat ingesluit is by enige betaling wat die fonds kragtens subparagraaf (c) van paragraaf (1) van regulasie 24 ontvang het;
  - (iv) bydraes wat so 'n lid voor sy lidmaatskap van die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings aan 'n ander voorsorg- of pensioenfonds of -skema verskuldig was ingevolge die wetsbepaling, regulasies of reëls betreffende daardie fonds of skema en wat onbetaald was toe die bedrag wat in sy krediet in sodanige fonds of skema gestaan het, aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings betaal is kragtens die regulasies betreffende die voorsorgfonds vir tegniese kolleges of die ou of die nuwe voorsorgfondsregulasies, na gelang van die geval, maar wat daarna aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings betaal en ingesluit is by enige betaling wat die fonds ooreenkomstig subparagraaf (c) van paragraaf (1) van regulasie 24 ontvang het;
  - (v) die bydraes deur die lid aan die fonds betaal of verskuldig ooreenkomstig die skaal in regulasie 8 voorgeskryf ten opsigte van die tydperk van sy pensioengewende diens op of na die datum waarop hy verplig geword het om tot die fonds by te dra, insluitende enige bedrag deur die lid betaal of verskuldig ingevolge item (i) van subparagraaf (a) van paragraaf (2) van regulasie 24;
  - (vi) daardie deel van die bedrag wat genoemde lid ooreenkomstig die bepaling van subparagraaf (b) van paragraaf (7) van regulasie 12 betaal het, wat die Sekretaris, na oorlegpleging met 'n aktuaris, bepaal as die ooreenstemmende waarde van die bydraes wat sodanige lid tot die fonds sou betaal het indien hy gedurende die tydperk wat kragtens item (ii) van subparagraaf (a) van paragraaf (5) of paragraaf (6) van genoemde regulasie by sy pensioengewende diens ingesluit is, in die diens van 'n raad was en gedurende daardie tydperk tot die fonds bygedra het;
- tesame met twee persent van sodanige bedrag vir elke voltooide jaar pensioengewende diens; of
- (b) 'n bedrag gelyk aan die totaal van—
    - (i) die bedrag wat uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, aan hom betaal sou gewees het indien hy nie 'n versekeringspolis as deel van die voorsiening wat daar ingevolge die regulasies betreffende of die voorsorgfonds vir tegniese kolleges of die ou of die nuwe regulasies, na gelang van die geval, vir hom gemaak is, uitgeneem het nie en hy vrywillig bedank het op die dag onmiddellik voor die datum waarop hy lid van die fonds geword het; en

- (ii) the contributions which were paid by such member to the technical colleges provident fund or the university institutions provident fund, as the case may be, in accordance with the regulations governing such fund (other than any additional contributions paid in terms of those regulations) and which in terms of such regulations were utilized for the payment of premiums on a policy of assurance;
  - (iii) any contributions which prior to membership of the technical colleges provident fund or the university institutions provident fund, such member had paid to another provident or pension fund or scheme in terms of the enactment, regulations or rules governing that fund or scheme, which had been included in any amount paid to the technical colleges provident fund or the university institutions provident fund in terms of the technical colleges provident fund regulations or the old or the new provident fund regulations, as the case may be, and which were included in any payment received by the fund in terms of sub-paragraph (c) of paragraph (1) of regulation 24;
  - (iv) any contributions which prior to membership of the technical colleges provident fund or the university institutions provident fund were due by such member to another provident or pension fund or scheme in terms of the enactment, regulations or rules governing that fund or scheme, which were unpaid when the amount standing to his credit in such fund or scheme was paid to the technical colleges provident fund or the university institutions provident fund in terms of the technical colleges provident fund regulations or the old or the new provident fund regulations, as the case may be, but which were subsequently paid to the technical colleges provident fund or the university institutions provident fund and included in any payment received by the fund in terms of sub-paragraph (c) of paragraph (1) of regulation 24;
  - (v) the contribution paid or due by such member to the fund in accordance with the rate laid down in regulation 8 in respect of the period of his pensionable service on and after the date on which he became liable to contribute to the fund, including any amount paid or due by the member in terms of item (i) of sub-paragraph (a) of paragraph (2) of regulation 24;
  - (vi) so much of the amount paid by the said member in accordance with the provisions of sub-paragraph (b) of paragraph (7) of regulation 12 as the Secretary, after consultation with an actuary, determines to be the corresponding value of the contributions which such member would have paid to the fund if he had been in the service of a council during the period included in his pensionable service in terms of item (ii) of sub-paragraph (a) of paragraph (5) or paragraph (6) of the said regulation and had contributed to the fund during that period,
- together with two per cent of such amount for each completed year of pensionable service; or
- (b) an amount equal to the sum of—
    - (i) the amount which would have been paid to him from the technical colleges provident fund or the university institutions provident fund, as the case may be, had he not taken out a policy of assurance as part of the provision made for him under either the technical colleges provident fund regulations or the old or the new provident fund regulations, as the case may be, and had voluntarily resigned on the day immediately preceding the date on which he became a member of the fund; and

- (ii) die bydraes wat hy aan die fonds betaal het ten opsigte van die tydperk van sy pensioengewende diens op en na genoemde datum, tesame met twee persent van die totaal van daardie bydraes vir elke voltooide jaar van sodanige pensioengewende diens.

(2) Behoudens die hieropvolgende bepalings van hierdie regulasie, word aan 'n versekerde lid wat weens wangedrag uit die diens van 'n raad ontslaan word of wat bedank of aangesê word om te bedank ten einde 'n aanklag van wangedrag te vermy en aldus bedank, of wat bedank of aangesê word om te bedank ten einde ontslag weens wangedrag te vermy en aldus bedank, of wat om 'n rede nie spesifiek in hierdie regulasies vermeld nie, uit sodanige diens ontslaan word, een van ondergenoemde twee bedrae, naamlik die grootste bedrag, uit die fonds betaal:—

- (a) 'n Bedrag gelyk aan die totaal van die bydraes in items (i), (ii), (iii), (iv), (v) en (vi) van subparagraaf (a) van paragraaf (1) bedoel; of

- (b) 'n bedrag gelyk aan die totaal van—

- (i) die bedrag wat uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, aan hom betaal sou gewees het as hy nie 'n versekeringspolis as deel van die voorsiening wat daar ooreenkomstig of die regulasies betreffende die voorsorgfonds vir tegniese kolleges of die ou of die nuwe regulasies, na gelang van die geval, vir hom gemaak is, uitgeneem is nie en hy aldus ontslaan is of aldus bedank het op die dag onmiddellik voor die datum waarop hy lid van die fonds geword het; en

- (ii) die bydraes wat hy aan die fonds betaal het ten opsigte van die tydperk van sy pensioengewende diens op en na genoemde datum.

(3) Daar word van die bedrag wat ingevolge paragraaf (1) of (2) betaalbaar is, 'n bedrag afgetrek gelyk aan die totaal van—

- (a) die premies wat uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, ten opsigte van 'n versekeringspolis betaal is, tesame met die rente en diwidende wat kragtens of die regulasies betreffende die voorsorgfonds vir tegniese kolleges of die ou of die nuwe voorsorgfondsregulasies, na gelang van die geval, tot en met die dag onmiddellik voor die dag waarop die versekerde lid lid van die fonds geword het op daardie premies in sodanige voorsorgfonds sou opgehoop het as daardie premies nie betaal was nie maar in die betrokke voorsorgfonds in die kredit van die versekerde lid bly staan het; en

- (b) alle premies wat uit die fonds betaal is, tesame met rente op sodanige premies teen die koers van vier persent, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datum waarop sodanige premies betaal is en tot en met die laaste dag van sy diens.

(4) By betaling van die bedrag wat ingevolge paragraaf (1) of (2) verskuldig is na aftrekking van die bedrag wat ooreenkomstig paragraaf (3) bereken is, word die sessie, ten gunste van die Sekretaris van die versekeringspolis, ingetrek en word die polis aan die versekerde persoon terugbesorg.

(5) As die bedrag in paragraaf (1) of (2) bedoel, kleiner is as die bedrag wat ooreenkomstig paragraaf (3) afgetrek moet word—

- (a) word die sessie, ten gunste van die Sekretaris, van die versekeringspolis ingetrek en word die polis aan die versekerde persoon terugbesorg nadat die lid die bedrag van die tekort aangesuiwer het; of

- (b) word die versekeringspolis afgekoop en word die tekort verhaal deur dit af te trek van die afkoopwaarde wat betaalbaar is: Met dien verstande dat, as die bedrag wat aldus verhaal moet word, kleiner is as die bedrag van die afkoopwaarde wat betaal is, die verskil aan die lid betaal moet word.

- (ii) the contributions paid by him to the fund in respect of the period of his pensionable service on and after the said date together with two per cent of the total of those contributions for each completed year of such pensionable service.

(2) Subject to the succeeding provisions of this regulation an insured member who is discharged from the service of a council on account of misconduct or resigns or is called upon to resign to avoid a charge of misconduct and does so resign, or resigns or is called upon to resign to avoid discharge for misconduct and does so resign, or is discharged therefrom for a reason not specifically mentioned in these regulations, shall be paid from the fund, according to whichever is the greater, either—

- (a) an amount equal to the sum of the contributions referred to in items (i), (ii), (iii), (iv), (v) and (vi) of sub-paragraph (a) of paragraph (1); or

- (b) an amount equal to the sum of—

- (i) the amount which would have been paid to him from the technical colleges provident fund or the university institutions provident fund, as the case may be, had he not taken out a policy of assurance as part of the provision made for him under either the technical colleges provident fund regulations or the old or the new provident fund regulations, as the case may be, and had been so discharged or had so resigned on the day immediately preceding the date on which he became a member of the fund; and

- (ii) the contributions paid by him to the fund in respect of the period of his pensionable service on and after the said date.

(3) There shall be deducted from the amount payable in terms of paragraph (1) or (2) an amount equal to the sum of—

- (a) the premiums paid from the technical colleges provident fund or the university institutions provident fund, as the case may be, in respect of any policy of assurance, together with the dividends and interest which would have accrued in such provident fund on those premiums under either the technical colleges provident fund regulations, or the old or the new provident fund regulations, as the case may be, up to and including the day immediately preceding the day on which the insured member became a member of the fund, had those premiums not been paid but had remained in the provident fund concerned to the credit of the insured member.

- (b) any premiums paid from the fund together with interest on such premiums at the rate of four per cent annually compounded as at the thirty-first day of March and calculated according to the dates upon which such premiums were paid and up to and including the last day of his service.

(4) On payment of the amount due in terms of paragraph (1) or (2), after deduction therefrom of the amount calculated in accordance with the provisions of paragraph (3), the cession in favour of the Secretary of the policy of assurance shall be cancelled and the policy returned to the person assured.

(5) If the amount referred to in paragraph (1) or (2) is less than the amount to be deducted in accordance with paragraph (3)—

- (a) the cession in favour of the Secretary of the policy of assurance shall be cancelled and the policy shall be returned to the person assured on payment by the member of the amount of the deficiency; or

- (b) the policy of assurance shall be surrendered, in which case the amount of the deficiency shall be recovered from the amount of the surrender value payable: Provided that if the amount so to be recovered is less than the amount of the surrender value paid the balance shall be paid to the member.

# VOORDELE BY DIE AFSTERWE VAN SEKERE VERSEKERDE LEDE.

30. (1) Indien 'n versekerde lid voor sy uitdienststreding of ontslag uit die diens van 'n raad te sterwe kom en—

- (a) nie deur 'n weduwee of voordeelgeregtigde kind oorleef word nie, kan daar, behoudens die bepalings van paragraaf (1) van regulasie 26 en, *mutatis mutandis* die bepalings van paragraaf (14) van regulasie 20, aan of ten bate van dié afhanklikes wat die Sekretaris mag bepaal, 'n gratifikasie betaal word wat gelyk is aan dubbel die totaal van die bydraes bedoel in items (i), (ii), (iii), (iv), (v) en (vi) van subparagraaf (a) van paragraaf (1) van regulasie 29; of
- (b) nie deur 'n weduwee, voordeelgeregtigde kind of afhanklike oorleef word nie, word daar, behoudens die bepalings van paragraaf (1) van regulasie 26, aan sy boedel 'n bedrag betaal wat gelyk is aan die totaal van die bydraes bedoel in items (i), (ii), (iii), (iv), (v) en (vi) van subparagraaf (a) van paragraaf (1) van regulasie 29.

# VERSEKERDE LEDE WAT NA OF IN ANDER PENSOENGEWENDE DIENS OORGEPLAAS OF AANGESTEL WORD.

31. (1) Indien 'n versekerde lid sonder 'n onderbreking in die kontinuïteit van sy diens of, behoudens 'n bepaling in enige ander wet vervat, met dié onderbreking in die kontinuïteit van sy diens wat deur die Sekretaris as nodig en redelik onder die omstandighede goedgekeur word, na diens in paragraaf (1) van regulasie 21 bedoel, oorgeplaas word of daarin aangestel word en toegelaat word en kies om tot die pensioen- of voorsorgfonds of ander -skema waarvan hy lid word, ten opsigte van sy vorige pensioengewende diens as lid van die fonds by te dra, word daar, behoudens die bepalings van paragrafe (2), (3) en (7), uit die fonds aan sodanige ander pensioen- of voorsorgfonds of -skema 'n bedrag betaal wat gelyk is aan die totaal van—

- (a) 'n bedrag wat ooreenkomstig subparagraaf (c) van paragraaf (1) van regulasie 24 ten opsigte van so 'n lid aan die fonds betaal, tesame met rente op sodanige bedrag teen die koers van vyf persent, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop genoemde bedrag aan die fonds betaal is en tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid van die fonds te wees;
- (b) dubbel die bedrag van die bydraes [uitgesonderd bydraes bedoel in subparagraaf (c)] wat genoemde lid betaal het of verskuldig is ten opsigte van sy pensioengewende diens vanaf die datum waarop hy verplig word om tot die fonds by te dra of vanaf die datum waarop hy laas aldus verplig geword het indien hy voorheen lid was, tesame met rente daarop teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datums waarop genoemde bydraes aan die fonds betaalbaar geword het en tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid van die fonds te wees;
- (c) 'n bedrag, kragtens subparagraaf (b) van paragraaf (7) van regulasie 12 bepaal, tesame met rente teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop die lid verplig geword het om daardie bedrag te betaal en tot en met die dag onmiddellik voor die datum waarop hy opgehou het om lid van die fonds te wees;
- (d) dubbel die bedrag wat die lid betaal het of verskuldig is ooreenkomstig subparagraaf (a) van paragraaf (2) van regulasie 24; en 'n bedrag wat, voordat hy lid van die fonds geword het, deur die lid betaalbaar was aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, en

# BENEFIT ON DEATH OF CERTAIN INSURED MEMBERS.

30. Subject to the provisions of paragraph (1) of regulation 26, if an insured member dies before his retirement or discharge from the service of a council and—

- (a) is not survived by a widow or eligible child, there may, subject *mutatis mutandis* to the provisions of paragraph (14) of regulation 20, be paid to or for the benefit of such of his dependants as the Secretary may determine, a gratuity equal to twice the sum of the contributions referred to in items (i), (ii), (iii), (iv), (v) and (vi) of sub-paragraph (a) of paragraph (1) of regulation 29; or
- (b) is not survived by a widow, an eligible child or a dependant, there shall be paid to his estate an amount equal to the sum of the contributions referred to in items (i), (ii), (iii), (iv), (v) and (vi) of sub-paragraph (a) of paragraph (1) of regulation 29.

# INSURED MEMBERS TRANSFERRED OR APPOINTED TO OTHER PENSIONABLE EMPLOYMENT.

31. (1) If an insured member is transferred or is appointed without a break in the continuity of his employment or, subject to any provision in any other law contained, with such break in the continuity of his employment as may be approved by the Secretary as necessary and reasonable in the circumstances, to employment referred to in paragraph (1) of regulation 21, and is permitted and elects to contribute to the pension or provident fund or other scheme of which he becomes a member in respect of his past pensionable service as a member of the fund there shall, subject to the provisions of paragraphs (2), (3), (4) and (7), be paid from the fund to such other pension or provident fund or scheme an amount equal to the sum of—

- (a) any amount paid to the fund in terms of sub-paragraph (c) of paragraph (1) of regulation 24 in respect of such member, together with interest on such amount at the rate of five per cent, annually compounded at the thirty-first day of March and calculated from the date upon which the said amount was paid to the fund and up to and including the day immediately preceding the date he ceased to be a member of the fund;
- (b) twice the amount of the contributions [other than any contributions referred to in sub-paragraph (c)] paid or due by the said member in respect of his pensionable service from the date he becomes liable to contribute to the fund or from the date he last became so liable if he was previously a member, together with interest thereon at the rate of five per cent per annum annually compounded at the thirty-first day of March and calculated according to the dates upon which the said contributions became payable and up to and including the day immediately preceding the date he ceased to be a member of the fund;
- (c) any amount determined in terms of sub-paragraph (b) of paragraph (7) of regulation 12, together with interest at the rate of five per cent per annum, annually compounded at the thirty-first day of March and calculated from the date the member became liable to pay that amount and up to and including the day immediately preceding the date upon which he ceased to be a member of the fund;
- (d) twice the amount paid or due by such member in terms of sub-paragraph (a) of paragraph (2) of regulation 24, and any amount which, prior to his becoming a member of the fund, was payable by the member to the technical colleges provident fund or the university institutions provident fund, as the case may be, and which became payable

wat aan die fonds betaalbaar geword het ingevolge subparagraaf (b) van genoemde paragraaf, tesame met rente teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop die lid verplig geword het om tot die fonds by te dra en tot en met die dag onmiddellik voor die dag waarop hy opgehou het om lid van die fonds te wees.

(2) Van die bedrag wat ooreenkomstig paragraaf (1) betaalbaar is, word 'n bedrag afgetrek wat ooreenkomstig subparagraaf (c) van paragraaf (2) van regulasie 27 bereken is.

(3) Die bedrag wat ooreenkomstig paragraaf (1) betaalbaar is nadat die bedrag bedoel in paragraaf (2), afgetrek is, mag nie groter wees nie as die bedrag wat die ander pensioen- of voorsorgfonds of -skema nodig het, en daar moet oor 'n surplus in die fonds beskik word op 'n wyse wat die Sekretaris mag bepaal.

(4) By die bedrag wat aan sodanige ander pensioen- of voorsorgfonds of -skema betaalbaar is, word rente bygevoeg teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop genoemde lid opgehou het om lid van die fonds te wees en tot en met die datum onmiddellik voor die datum van betaling.

(5) Indien so 'n lid wat aldus oorgeplaas of aangestel is, nie toegelaat word om ten opsigte van sy vorige pensioengewende diens as lid van die fonds tot die ander pensioen- of voorsorgfonds of ander -skema by te dra nie of as hy, indien toegelaat om dit te doen, nie aldus bydra nie, word hy, behoudens die bepalings van paragraaf (7)—

(a) indien sodanige diens 'n opvoedkundige of wetenskaplike navorsingsdiens is wat die Minister vir die toepassing van hierdie paragraaf as sodanig erken, 'n bedrag betaal wat gelyk is aan dubbel die totaal van die bydraes in items (i), (ii), (iii), (iv), (v) en (vi) van subparagraaf (a) van paragraaf (1) van regulasie 29 bedoel: Met dien verstande dat daar van die bedrag wat aldus betaalbaar is, 'n bedrag afgetrek word wat bereken is ooreenkomstig die bepalings van paragraaf (2) van regulasie 27;

(b) indien sodanige diens nie 'n opvoedkundige of wetenskaplike navorsingsdiens is nie, ooreenkomstig regulasie 29 behandel asof hy vrywillig bedank het.

(6) Indien sodanige lid aangestel of oorgeplaas word na 'n opvoedkundige of wetenskaplike navorsingsdiens wat die Minister vir die toepassing van hierdie paragraaf erken en daar geen pensioen- of voorsorgfonds of ander -skema bestaan waartoe hy kan bydra nie, word daar behoudens die bepalings van paragraaf (7), 'n bedrag aan hom betaal wat gelyk is aan tweemaal die totaal van die bydraes bedoel in items (i), (ii), (iii), (iv), (v) en (vi) van subparagraaf (a) van paragraaf (1) van regulasie 29: Met dien verstande dat daar van die bedrag aldus betaalbaar, 'n bedrag afgetrek moet word wat ooreenkomstig die bepalings van paragraaf (2) van regulasie 27 bereken is.

(7) Van die bedrag wat ooreenkomstig hierdie regulasie betaalbaar is, moet daar alle bydraes of ander bedrae afgetrek word wat deur of ten opsigte van genoemde lid betaalbaar is op die datum waarop hy ophou om lid van die fonds te wees en wat nog onbetaald is.

(8) By betaling van die bedrag wat ingevolge hierdie regulasie of aan sodanige ander pensioen- of voorsorgfonds of ander -skema of aan die lid self, na gelang van die geval, verskuldig is en na aftrekking van 'n bedrag wat ingevolge die betrokke paragraaf verhaalbaar is, word die polis aan die lid gesedeer en aan hom terugbesorg.

(9) Indien 'n versekerde lid na 'n diens oorgeplaas is wat nie „diens” is soos in paragraaf (1) van regulasie 21 bedoel word nie, word hy ooreenkomstig die bepalings van regulasie 27 behandel asof hy vrywillig bedank het.

to the fund in terms of sub-paragraph (b) of the said paragraph, together with interest at the rate of five per cent per annum, annually compounded at the thirty-first day of March and calculated from the date the member became liable to contribute to the fund and up to and including the day immediately preceding the day upon which he ceased to be a member of the fund.

(2) There shall be deducted from the amount payable in terms of paragraph (1) an amount calculated in terms of sub-paragraph (c) of paragraph (2) of regulation 27.

(3) The amount payable in terms of paragraph (1), after the deduction of any amount referred to in paragraph (2), shall not exceed the amount required by the other pension or provident fund or scheme and any surplus in the fund shall be disposed of in such manner as the Secretary may determine.

(4) There shall be added to the amount payable to such other pension or provident fund or scheme interest at the rate of four per cent per annum, compounded annually as at the thirty-first day of March and calculated as from the day the said member ceased to be a member of the fund and up to and including the day immediately preceding the date of payment.

(5) If such a member who is so transferred or appointed is not permitted to contribute to the other pension or provident fund or other scheme in respect of his past pensionable service as a member of the fund, or if permitted to do so, does not so contribute he shall, subject to the provisions of paragraph (7)—

(a) if such employment is an educational or scientific research service recognised by the Minister as such for purposes of this paragraph, be paid an amount equal to twice the sum of the contributions referred to in items (i), (ii), (iii), (iv), (v) and (vi) of sub-paragraph (a) of paragraph (1) of regulation 29: Provided that there shall be deducted from the amount so payable an amount calculated in accordance with the provisions of paragraph (2) of regulation 27;

(b) if such employment is not an educational or scientific research service, be dealt with in terms of regulation 29 as if he had voluntarily resigned.

(6) If such a member is transferred or appointed to an educational or scientific research service recognised by the Minister for the purposes of this paragraph and there exists no pension or provident fund or other scheme to which he may contribute, he shall, subject to the provisions of paragraph (7), be paid an amount equal to twice the sum of the contributions referred to in items (i), (ii), (iii), (iv), (v) and (vi) of sub-paragraph (a) of paragraph (1) of regulation 29: Provided that there shall be deducted from the amount so payable an amount calculated in accordance with the provisions of paragraph (2) of regulation 27.

(7) There shall be deducted from any amount payable in terms of this regulation any contributions or any other amount which may be payable by or in respect of the said member at the date upon which he ceased to be a member of the fund and which remain unpaid.

(8) On payment of the amount due in terms of this regulation, either to such other pension or provident fund or other scheme or to the member himself, as the case may be, and after deduction of any amount which in terms of the relative paragraph falls to be recovered, the policy of assurance held shall be ceded and returned to the member.

(9) If an insured member is transferred to employment which is not employment referred to in paragraph (1) of regulation 21, he shall be dealt with in accordance with the provisions of regulation 29 as if he had voluntarily resigned.

## HOOFSTUK III.

## PENSIOEN AAN 'N ANDER PERSOON AS DIE PENSIOENTREKKER BETAALBAAR.

32. Indien die Sekretaris, na oorlegpleging met die betrokke raad, daarvan oortuig is dat dit om die een of ander rede onwenslik is om die hele bedrag van 'n pensioen wat kragtens hierdie regulasies aan 'n persoon betaalbaar is of wat aan 'n persoon ten behoeve van 'n voordeelgeregtigde kind of 'n afhanklike betaalbaar is, regstreeks aan die persoon self te betaal, mag die Sekretaris gelas dat sodanige pensioen of 'n gedeelte daarvan ten behoeve van die lid, weduwee, voordeelgeregtigde kind of afhanklike, na gelang van die geval, aan iemand anders betaal word op dié voorwaardes wat die administrasie daarvan betref, wat die Sekretaris mag bepaal.

## REGTE TEN OPSIGTE VAN PENSIOENE NIE SEDEERBAAR OF ONDERWORPE AAN EKSEKUSIE NIE.

33. (1) Geen pensioen of reg ten opsigte van 'n pensioen wat kragtens hierdie regulasies betaalbaar is, mag gesedeer, oorgedra, verpand of verhipotekeer word nie, en behoudens die bepalings van die Onderhoudwet, 1963, is sodanige pensioen, of reg nie aan beslaglegging of enige vorm van eksekusie ingevolge 'n vonnis of hofbevel onderworpe nie.

(2) Ondanks die bepalings vervat in paragraaf (1), mag 'n bedrag wat op die dag onmiddellik voor die datum van sy uitdienststreding of ontslag deur 'n lid aan die raad in wie se diens hy was, of aan die Regering, betaalbaar is of wat daardie raad of die Regering verplig is om ten opsigte van sodanige lid te betaal, van die pensioen wat aan die lid betaalbaar is, afgetrek word in 'n enkele bedrag of in dié paaiemente wat die Sekretaris mag bepaal.

## JAARGELDE BY SEKWESTRASIE.

34. Indien die boedel van 'n lid of weduwee wat kragtens hierdie regulasies in ontvangs is van 'n jaargeld, gesekwestreer word, maak die jaargeld of jaarlikse voordeel wat ten opsigte van 'n voordeelgeregtigde kind betaalbaar is, nie deel van die bates in sy of haar insolvente boedel uit nie.

## DELEGERING VAN BEVOEGDHEDE.

35. Die Minister mag enigeen van die bevoegdhede wat by hierdie regulasies aan hom verleen word, aan die Sekretaris of enige ander amptenaar in die Departement van Volkswelsyn en Pensioene deleger: Met dien verstande dat 'n lid of raad by die Minister kan appelleer teen die optrede of 'n beslissing van die Sekretaris of sodanige amptenaar wat kragtens sodanige gedelegeerde bevoegdheid handel.

## UITLEG.

36. Op 'n vraag betreffende die betekenis en bedoeling van 'n regulasie wat deel van hierdie regulasies uitmaak, is die beslissing van die Minister finaal.

## CHAPTER III.

## PENSION PAYABLE TO A PERSON OTHER THAN THE PENSIONER.

32. If the Secretary, after consultation with the council concerned, is satisfied that it is undesirable for any reason to pay the whole amount of any pension which is payable to a person under these regulations, or which is payable to a person on behalf of an eligible child or a dependant, directly to that person himself, the Secretary may order that such pension or a portion thereof shall be paid to some other person under such conditions as to its administration for the benefit of the member, widow, eligible child or dependant, as the case may be, as the Secretary may determine.

## RIGHTS IN RESPECT OF PENSIONS NOT TO BE CEDED OR SUBJECT TO EXECUTION.

33. (1) No pension or right in respect of a pension payable under these regulations shall be capable of being ceded, transferred, pledged or hypothecated and, subject to the provisions of the Maintenance Act, 1963, such pension or right shall not be liable to be attached or be subject to any form of execution under a judgment or order of court.

(2) Notwithstanding anything contained in paragraph (1) any amount which is payable by any member to the council in whose service he was on the day immediately preceding the date of his retirement or discharge, or to the Government at that date, or which that council or the Government is liable to pay in respect of such member, may be deducted from the pension payable to the member in a lump sum or in such instalments as the Secretary may determine.

## ANNUITIES ON SEQUESTRATION.

34. If the estate of a member or widow who is in receipt of an annuity under these regulations is sequestrated, the annuity or any annual benefit payable in respect of an eligible child, shall not form part of the assets in his or her estate.

## DELEGATION OF POWERS.

35. The Minister may delegate any of the powers conferred on him by these regulations to the Secretary or any other officer in the Department of Social Welfare and Pensions: Provided that a member or council may appeal to the Minister against any action taken or any decision given by the Secretary or such officer in terms of such delegated powers.

## INTERPRETATION.

36. On any question as to the meaning and intention of any regulation forming part of these regulations the decision of the Minister shall be final.

## TELEGRAAF TARIWE

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|                                     |     |
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